



ALPHINSTONIANA  
ET  
BALMERONIANA

A.D. 1200-1897

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1497



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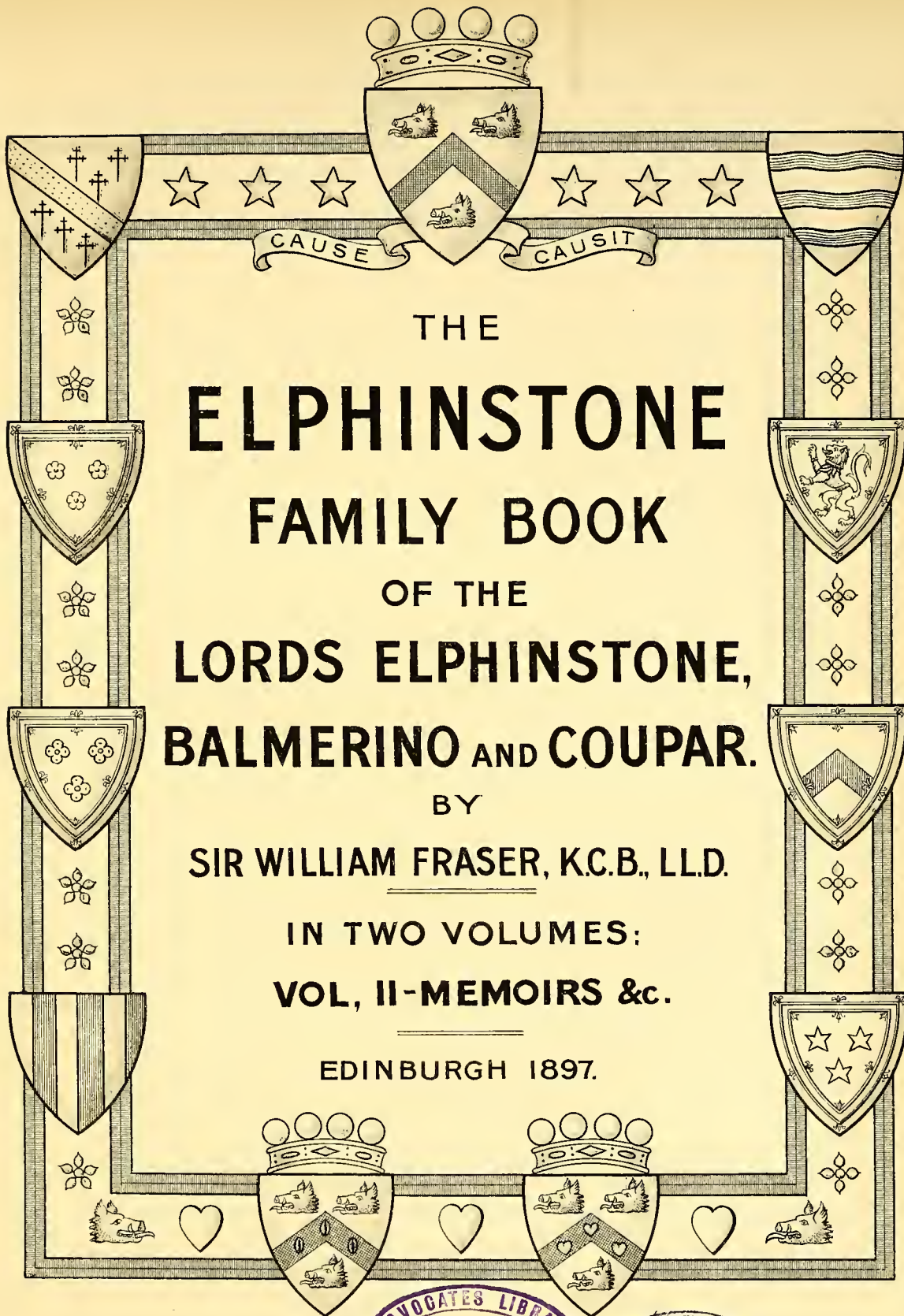
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William Pitt the Younger  
of CHICHESTER  
1759-1806



MEMOIRS  
OF THE  
ELPHINSTONES, LORDS ELPHINSTONE.  
VOLUME THE SECOND

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THE ELPHINSTONE CARBERRY LINE, FROM THE HONOURABLE WILLIAM  
FULLERTON ELPHINSTONE OF ELPHINSTONE AND CARBERRY, GRAND-  
FATHER OF THE LATE WILLIAM BULLER FULLERTON ELPHINSTONE,  
FIFTEENTH LORD ELPHINSTONE, TO HIS SON SIDNEY HERBERT ELPHIN-  
STONE, PRESENT AND SIXTEENTH LORD ELPHINSTONE.

1740-1897.

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THE HONOURABLE WILLIAM FULLERTON ELPHINSTONE OF ELPHINSTONE AND  
CARBERRY; DIRECTOR AND SOMETIME CHAIRMAN OF THE HONOURABLE  
EAST INDIA COMPANY.

1740-1834.

The marriage of Charles, tenth Lord Elphinstone, with the Lady Clementina Fleming was a happy one for the Elphinstone family in several aspects, and not least in respect of the issue of the union. Among the seven sons and seven daughters who constituted their family were some, who by their industry and ability gained for themselves a name and place in the history of their country not soon to be forgotten.

The state of the Elphinstone family at the time rendered it desirable that each of the sons as he came of age should adopt and follow out one of the professions. The eldest son John, Master of Elphinstone, entered the army, serving under General Wolfe against the French in Canada; while two of his brothers, William and Keith, chose the maritime service, in which they both achieved such distinction. In this choice they were influenced and strongly encouraged by their venerable granduncle, the tenth and last Earl Marischal of Scotland, who spared no pains to secure his young relatives as fair a start in life as could be obtained for them. Recognising the possibilities and greater chance of gaining fame and fortune by a life at sea in those days of adventure, he used his influence both verbally and practically to get them to enter the navy, and from their instalment there till the event of his death some years later, he kept up a more or less continual correspondence with his "Big Ben" and "Little Ben" as he familiarly called William and his name-son George Keith.

The Elphinstone Birthday Book contains the following entry of the birth of William Elphinstone among the children of the tenth Lord :—

"Their third son was born at Elphinstone upon the thertenth off September 1740, and christened William by Mr. John Bruce, minister at Airth."<sup>1</sup>

Though he never became a Lord Elphinstone, nor attained to such public eminence as Lord Keith, he yet deserves notice in a special memoir in virtue of the high position he occupied in the Honourable East India Company, and the marked confidence reposed in him by one of their most illustrious Governors-General—the Marquis of Hastings, and also because he is the direct ancestor of the present noble representative of the Elphinstone family.

William Elphinstone first went to sea in 1755, at the early age of fifteen, in the ship of a relative, under the command of Captain Mudie. His trial voyage was to the colony of Virginia, and though he stood the passage well,

<sup>1</sup> Birthday Book in Elphinstone charter-chest.

he received an early initiation into the hardships of travel by being seized with fever and ague during his short stay there. He wrote home, however, that he was determined to follow a maritime life, though it was harder than many others.<sup>1</sup>

Next year he went to Gibraltar in the "Planter" under Captain Ogilvie, from which he arrived in good health at the Downs after a tedious passage. On his arrival in England, however, he experienced considerable difficulty in getting to London owing to the activity of the pressgang at that time. In a letter on this subject to his mother, the Lady Clementina, he narrates how he had to borrow a cockade for his hat from Captain Kinloch and look wonderingly at the people working the ships, as if he had never seen the like before, to make believe he belonged to the army, lest he should be taken up by the impressing masters before he walked the length of a street.<sup>2</sup>

Animated by youthful enthusiasm he wrote home frequently to Cumberland, especially to the Lady Clementina, giving details of anything of interest he encountered in his voyages, but owing to the uncertainty of the packets which were then sailing-ships, he did not receive very regular replies, so that in one of his letters he tells of the surprise he got on opening an old magazine to find recorded there the death of his grandfather the ninth Lord Elphinstone on 20th February 1757, which was the first news he had of that event.<sup>3</sup>

While young Elphinstone learned his profession in the Royal Navy, his acute business instincts soon led him to recognise that a far more profitable field of enterprise lay before him in the service of the East India Company. The recent success of the British arms in India under the able command of Lord Clive had already produced a wonderful effect on our commerce with that country, and the trade with China was also increasing with great

<sup>1</sup> Letters in Elphinstone charter-chest.

<sup>2</sup> Original letter, addressed: "To the Right Hon<sup>ble</sup> Lady Clementina Fleming, at Cumberland, near Falkirk, N. Britain," *ibid.*

<sup>3</sup> Original letter, William F. Elphinstone to his mother, the Lady Clementina Fleming, *ibid.*

celerity. This rapid development of our East Indian Empire, which afterwards proved such a mine of wealth to this country, opened up a road to fortune for our adventurous merchantmen, which they were not slow to take advantage of. Accordingly in 1757 William Elphinstone wrote home that he intended to go to the navigation school to perfect himself there, preparatory to entering the East India Company's service.<sup>1</sup> His first venture in this service was as midshipman on board the "Winchelsea" under Captain Howe, where the zealous and ambitious temperament which characterised his whole career, already manifests itself by a letter to his mother, in which he requests her that Lady Stair should write to Lady Howe to desire her son, Captain Howe, to make him one of the rated midshipmen who succeed the mates, and also that he might be allowed to mess with the mates, which would be more pleasant for him, and "if the captain asks it of them, they would take more notice of me."<sup>2</sup> The life of a midshipman in those days was not one of unmixed pleasure, and demanded more the exercise of manual labour than of skill, so that before long young Elphinstone wrote home that he "longed to be off that scandalous list," and trusted to be made a mate before the end of the voyage.

Recognising that influence was as necessary a factor as ability in procuring promotion, William Elphinstone found considerable difficulty at first in scaling the ladder, owing to the want of an influential friend in the Company's service. Writing from Spithead in 1758, that he hoped to go out as fourth mate next voyage, he says:—"The best way to go through an examination is to get one of [the] Directors to speak for me, then it would do if I did not know a ship from a windmill, but as I have no such interest, I must put the best foot foremost."<sup>3</sup> This manly resolution of the young midshipman is particularly interesting in the light of his subsequent career, and also as he was the first of the family to establish that connection with India,

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

<sup>3</sup> Original letter, *ibid.*

which was afterwards so brilliantly maintained by his nephew, Mountstuart, and in the next generation by the thirteenth Lord Elphinstone. He did, however, get an introduction to Mr. Talbot, a Director of the East India Company, with considerable influence, who gave him good recommendations,<sup>1</sup> so that partly by help, and partly by his own indomitable energy and perseverance, William Elphinstone rose step by step in that service, until he ultimately obtained a seat in the court of directors.

He made several voyages at this time to India and China in the trading-vessels of the company. Before the opening of the Suez Canal the only available route for sailing-ships to India was through the Atlantic Ocean and round Africa by the Cape of Good Hope. Arriving at India, they called at one or more of the three chief settlements of the Company, viz. Bombay on the west coast, and Madras and Calcutta on the east, and from there proceeded to the port of Canton, in China. The great postal station for ships in the Atlantic was then the island of St. Helena, which was soon afterwards to become so famous as the scene of the captivity and death of Napoleon Buonaparte; and many of Mr. Elphinstone's letters were sent home from this station, where in return he received his budget containing news of the family at Cumbernauld, and great was his disappointment if, owing to contrary winds, the packet had not arrived at that station in time for him to get them.<sup>2</sup>

His description of the island of Madeira, groaning under the slavish and unprogressive dominion of the Portuguese, in spite of its rich natural productions, is more faithful than flattering:—

“You see nothing but the appearance of wretchedness round you, and famine and misery in every face you look on. They have no money amongst them, except in their churches, and among the priests, and I believe they have but very little. They have severall Nunnerys, but so poor that if a stranger goes to see them the Nuns flock to the grate to sell them gum-flowers . . . The island produces plenty of fruits and a

<sup>1</sup> Letters in Elphinstone charter-chest.

<sup>2</sup> Letters, *ibid.*

vast quantity of wine. We have been very busy these five or six days, since we came here, taking in wine.”<sup>1</sup>

William Elphinstone early in his career showed signs of a remarkable capacity for business. His mother used to say of him as a boy that he had a chance of making more money than either of his elder brothers, and this prediction subsequently proved correct. Before long he was able not only to provide himself with what comforts he desired as a ship's officer, but also offered to place the surplus of his earnings at the disposal of the household at Cumbernauld.<sup>2</sup> At the same time in a letter to his mother, the Lady Clementina, he strongly urges that his father should let his farms, as their management had become exceedingly difficult and expensive, and was a constant drain on the family resources, and should go to reside in Edinburgh. This proposal evidently had some weight with Lord Elphinstone, as he shortly afterwards gave signs of a modified compliance with it by going to reside in England. On his father writing that he intended leaving Cumbernauld and going to live at York, William recommended him rather to choose Bath, as there Lord Elphinstone would be among the best society of the country, secure good introductions for his children, and enjoy surrounding country as fine as any in all England, with but slight expense.<sup>3</sup>

From his home letters we can trace step by step the progress of young Elphinstone in the service of the East India Company from his start as a midshipman, till in the year 1765, after much negotiation, he had obtained the command of a trading-vessel, only ten years from the date of his first going to sea. It was in this vessel that his brother George Keith Elphinstone, afterwards Lord Keith, made his first voyage in the Company's service, and to equip the brothers for a successful voyage and enable them to reap the benefit of the trade then developing in the East, their grand-uncle, the Earl Marischal, sent

<sup>1</sup> Original letter, William Elphinstone to his mother, the Lady Clementina Fleming, in Elphinstone charter-chest.

<sup>2</sup> Letters, *ibid.*

<sup>3</sup> Original letter, William Elphinstone to his father, Charles, tenth Lord Elphinstone, *ibid.*

each of them the munificent gift of £2000. This was no doubt the foundation of the fortune afterwards amassed by William Elphinstone, for in the letter of a relative from the East Indies, referring to the appointment of William as captain of an Indiaman, he states that while it was no use going there without capital, money gained money more rapidly than in any other part of the world.<sup>1</sup>

The two Elphinstones had evidently a successful voyage, as appears from the jubilant tone of the letters they sent home on the subject. Writing from Madras on June 30th, William states that :—" I arrived here the 29th of May last and sail for China to-morrow. I was the first ship here, which was of service to me in disposing of our goods. We found the market full as good as I expected. . . . Keith and I have been very well all the voyage, and are so now."<sup>2</sup> And on his arrival in London he sends home a report of their progress and result of the voyage in a letter which we may here quote as a fair sample of his brief and business-like style of correspondence :—

" London, Monday 20th.

"DEAR MADAM,—I do myself the pleasure of writing you from this place which I arrived at on Saturday last. I have had the happiness to hear that you are all well by a letter I received from Mary ; I have likewise had a letter from Gascoigne. Kieth and I have had our health during the whole voyage ; and, indeed, we have been very lucky in having a good one. How it may turn out with respect to profit two or three weeks will determine ; hitherto I have had no reason to complain. I shall have a great deal of business on my hands for some weeks, having a pretty large cargo to dispose of. Give my duty to my father, and love to all at Cumbernauld.—I am, dear madam, your most affectionate son,

WILLM. ELPHINSTONE." <sup>3</sup>

Assisted by his talent for business and urged on by his naturally zealous and prudent disposition, William Elphinstone soon succeeded in making his way well to the front among the Indian traders, and rapidly gained a position of authority and pecuniary advantage ; in fact, before many years had elapsed

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

<sup>3</sup> Original letter to the Lady Clementina Fleming, *ibid.*

he had mastered the management and intricacies of Eastern trade to such an extent that he had acquired an ample fortune.

On 24th June 1774 the Honourable William Elphinstone was married to Miss Elizabeth Fullerton, eldest daughter of William Fullerton, Esquire, of Carstairs, in the county of Lanark. This lady was the niece and heiress of John Fullerton of Carberry, Midlothian. By the terms of their marriage-contract Mr. Elphinstone agreed to provide his wife with a considerable annuity in the event of his predeceasing her, together with all his household goods and property. Among the witnesses to the contract were the honourable John Elphinstone, his elder brother, then Master of Elphinstone, and afterwards eleventh Lord Elphinstone, and John Fullerton, Esquire, of Carberry, uncle of the bride.

It has been already observed that a notable feature of the Elphinstone family was the happy nature of the marriages they contracted. Nearly all the Lords Elphinstone were allied to daughters of noble and distinguished families; and special attention has been directed at an earlier period of the family history to the marriage of Lady Lillas, the only surviving child and heir of line of the amiable fifth Lord Elphinstone, to her cousin Alexander Elphinstone of Barnis, the heir of entail and afterwards sixth Lord Elphinstone, thus conserving the Elphinstone estates as far as possible in the direct line of the family. Again in the time of the ninth Lord Elphinstone, when the fortunes of the family were at a very low ebb, came the union of the young Master of Elphinstone, afterwards tenth Lord, with the brilliant and accomplished Lady Clementina Fleming, heiress of Biggar and Cumbernauld; which though it did not replenish to any great extent the exhausted coffers of the family, yet enriched their arms and infused new and noble blood into the old Elphinstone line, bearing fruit in succeeding generations in the series of able and distinguished members which the family sent forth to establish such brilliant and honourable associations of the name of Elphinstone with the several professions they adopted.

The marriage of the Honourable William Elphinstone with the heiress of Carberry, while perhaps not entitled to take rank with these more noticeable unions, was yet an event of no inconsiderable consequence in the history of the Elphinstones, as it brought them the ancient mansion-house and estate of Carberry, in the parish of Inveresk, the present residential seat of the family. John Fullerton of Carberry died without issue in 1775, and on the death of his relict, Elizabeth Coult, on 7th January 1802, the estate of Carberry, according to her settlement of date 2nd January 1793,<sup>1</sup> was inherited by Elizabeth Fullerton the niece of her late husband, and wife of the Honourable William Elphinstone, and has since remained in the possession of the Elphinstone family. After the marriage Mr. Elphinstone prefixed the surname of Fullerton to his own, and was thenceforward known as the Honourable William Fullerton Elphinstone.

Carberry House is situated on the northern slope of the historic hill of that name, ever memorable in the mind of the Scottish nation as the scene of the surrender of Queen Mary to the confederate lords, and the discomfited retreat of Earl Bothwell. The house itself, dating back to a remote antiquity, has been lately modernised and added to, so that it combines in a most picturesque manner the strength and solidity of an ancient fortress with the beauty and comfort of a modern residence. But as it will be fully referred to in the introduction to these volumes it is unnecessary to give any detailed description of the house and grounds in this memoir.

In a curious document of date 6th September 1798, William Elphinstone, therein designed the Honourable Captain William Elphinstone of East Barnet, was admitted a member of the Guild of Trinity and of St. Clement in the parish of Deptford-Strond and county of Kent, and was thereby

<sup>1</sup> Extract Bond of Entail and copy Will of John Fullerton of Carberry, in Elphinstone charter-chest; also copy Settlement of Mrs. Elizabeth Coult or Fullerton, in which,

among other legacies, she leaves one of £500 sterling to Elizabeth, daughter of the Honourable William Elphinstone, *ibid.*

entitled to the privileges enjoyed by that corporation by virtue of royal charters and other grants. These privileges included entire exemption from land service and immunity from being called upon to serve on inquests, juries, and other legal assizes, according to a charter of King James the First in 1604. By another grant they were secured from the chance of being pressed into the naval service in time of war or extremity, to the detriment of their own occupations and interests. These privileges were of considerable importance to trading merchants.

It is unnecessary here to enter into detail respecting the commercial career of William Elphinstone in the service of the East India Company. It has been already shown with what energy he applied himself to it, and how rapid was his promotion. Throughout the whole period of his mercantile career his actions were characterised with the same vigour, zeal, and prudence which he had manifested at an early period of his life, so that his efforts were rewarded by a remarkable measure of success. The small capital, mostly a gift from his friendly grand-uncle, the old Earl Marischal, with which he entered the service, steadily increased till he had acquired a considerable fortune; and this he invested with such care and forethought that he was able not only to place himself and his family in very comfortable circumstances, but also to regain for the Elphinstone family the possession of their old Tower of Elphinstone, and to assist many of his relatives whose financial position was not in such a happy state as his own. As his fortunes rose and his experience ripened, his intellect, which, though it had not received any great measure of training in his early youth, was yet keen and talented in no mean degree, expanded till he became a recognised and trusted authority in eastern trade. Retiring from active commerce about middle life, his status and reputation were such that he was selected as well qualified from his experience, skill, and diplomatic talent to occupy a seat in the court of directors at India House, that great representative body which regulated the commerce of our now vast empire in the east.

THE HONOURABLE WILLIAM FULLERTON ELPHINSTONE AS A MEMBER  
OF THE COURT OF DIRECTORS.

The appointment of William Elphinstone as a member of the court of directors was a most remarkable step in his progressive career. The importance and influence of this position can hardly be overrated. The court consisted of a body of twenty-four English gentlemen chosen by vote of the more influential members or shareholders of the company. They were mostly men of considerable experience in Indian affairs, well versed in the languages and customs of the people, and thoroughly familiar with the system of administration. Their power was enormous. Not only was the whole trade of the country regulated and controlled by their influence, but up till nearly the close of the eighteenth century the Home government of India was almost entirely in the hands of the company. In the year 1783 efforts were made in parliament under the able leadership of Fox to take the administration out of the hands of the company, but this attempt was a signal failure owing to the fact that the reigning sovereign was himself strongly in favour of the company. Next year, however, the celebrated opponent of Fox was more successful, and Pitt's East India Bill, passed in 1784, modified to some extent their hitherto almost absolute power. While leaving the constitution of the court of directors untouched, it decreed that a board of commissioners consisting of six privy councillors should be appointed by the Crown to control the proceedings of the company; it did not to any extent interfere with the company's trade. A further modification was effected by the Act of 1833, by the terms of which a supreme council of India was appointed, to consist of a governor-general nominated by the court of directors with approbation of the Crown, and four ordinary members of council, three of them being servants of the company of ten years' standing, also appointed by the court. The influence of the court of

directors is again apparent here from the fact that in them was vested the power of nomination of the members of the supreme council.

By the time that William Elphinstone came to occupy a seat in the court of directors, the old corrupt administration of the company was to a large extent a thing of the past. This happy improvement was in great measure due to the humane and able government of Warren Hastings, following on the commendable endeavours of Clive in the same direction. Mainly by the exertions of these two men, who set themselves to reform the culpably aggressive and grasping policy of our countrymen in India, the old and bitter taunt, so long levelled at the servants of the company, of subserving all to the acquisition of wealth, could no longer with truth be applied. Warren Hastings was appointed governor-general in 1772, a position he held for many years, and during his tenure of office he encouraged the company's servants to apply themselves to gain what information they could as to the customs and peculiarities of the people they governed, and thus brought the European and Asiatic more in touch with each other than they had ever previously been. Such a system could not fail to be attended with results in no small degree satisfactory to both.

For many years William Elphinstone occupied the important position of director of the East India Company. There his conduct was characterised by the regularity of his attendance, and the skill and ability with which he devoted himself to the work of that administrative body, where, assisted by his natural talents and almost unrivalled experience of Indian affairs, he soon became known as one of their most able and reliable members. He was further noted for a not less important feature, viz. the unvarying integrity of his dealings, in a body where such a qualification was of the highest importance. In addition to this, his uniform courtesy to his colleagues and benevolence to his subordinates won him the confidence and admiration of almost all with whom he was associated. In the words of a contemporary:—"From the extent of his knowledge of Indian affairs and

the strength of his understanding, his resolute adherence to whatever his judgment tells him to be wise and right, he is esteemed one of the ablest, most vigorous, and upright men in the India House.”<sup>1</sup>

It is quite impossible here to enter into details respecting the official career of Mr. Elphinstone as director of the East India Company, as that would occupy far too much space and be too technical to be of such interest as to warrant its insertion. A few of the more important and outstanding events in it deserve attention, however, and a few of the more interesting letters may be selected for quotation from his large and voluminous correspondence, preserved in the Elphinstone charter-chest.

In the year 1803 the Honourable William Elphinstone, director in the East India Company, received the appointment of lieutenant-colonel of the Third Regiment of the Royal East India Company Volunteers, and also that of captain of a company in the same corps. In the document granting him this distinction, under the hand of King George the Third, it is stated that:—

“We, reposing especial trust and confidence in your loyalty, courage, and good conduct, do by these presents constitute and appoint you to be lieutenant-colonel of the Third Regiment of the Royal East India Company Volunteers, commanded by Colonel-in-Chief our right trusty and well-beloved cousin and councillor Henry, Viscount Melville; but not to take rank in our army except during the time of the said corps being called out into actual service, and likewise to be captain of a company in our said corps. You are therefore to take our said regiment as lieutenant-colonel and our said company as captain into your care and charge, and duly to exercise as well the officers as soldiers thereof in arms; and we do hereby command them to obey you as their lieutenant-colonel and captain respectively.

“Given at our court at St. James’s, the fourth day of May 1803, in the forty-third year of our reign.—By his Majesty’s command, C. YORKE.”<sup>2</sup>

[The signature is that of the Right Honourable Charles Philip Yorke, who was secretary of state in 1803-4.]

It does not appear that Mr. Elphinstone ever had occasion to make use

<sup>1</sup> Folio of miscellaneous mss. and prints in Elphinstone charter-chest.

<sup>2</sup> Original commission, *ibid.*

of his commission as lieutenant-colonel. The appointment seems to have been almost an honorary one, as he was fully engaged in his important business capacity of member of the court of directors, and soon afterwards, in fact the very next year, he became chairman of that body.

The able and important services of William Elphinstone, as member of the court of directors, and the estimation in which he was held by his colleagues, are rendered very apparent in the light of the fitting recognition he received from them by being on three several occasions elected to occupy the most honourable and responsible position that it was possible for any of their number to obtain, viz. that of chairman of the court—a position in which centred the entire commercial and a great part of the political administration of the vast empire of India. This high tribute to the skill and diplomacy of Mr. Elphinstone was first received by him in the year 1804, and he was re-elected to the same honour in the year 1806 and again in 1814, so that on three separate occasions he occupied that high position, a rare occurrence both among his predecessors and successors in the chair.

His correspondence during this period was very extensive, and only a small selection can be here referred to. Of especial interest are the letters he received from the Earl of Moira, afterwards Marquis of Hastings, governor-general of India, both as an evidence of the confidence he reposed in Mr. Elphinstone and the close friendship and communication that existed between them, and also as they contain a large amount of interesting detail respecting his administration and dealings with the natives both in peace and war.<sup>1</sup> Writing from Calcutta in 1816 the governor-general expresses his great gratification to hear that Mr. Elphinstone was again in the direction, and makes special reference to the improvement in the state of the company's affairs since his appointment as governor. In another letter next year he refers to his own successful if somewhat inclusive policy in the following terms:—

<sup>1</sup> For fuller details of these letters see Appendix to Ninth Report of Royal Commission on Historical MSS., pt. ii. pp. 202-206.

“Sir John Malcolm made me laugh by telling me that even you thought I could not be satisfied without carrying subjugation to the Indus. Why I should not carry influence thither I do not comprehend. I have not the slightest propensity to conquer anybody, but I do conceive it to be wisdom to improve the dispositions of those who think they see an advantage in uniting interests with you where such an engagement involves, either at the moment or in prospect, no inconvenience.”<sup>1</sup>

And shortly afterwards, in reference to Mountstuart Elphinstone, he states:—

“The intrepidity and judgment of Elphinstone at Poona, both of which qualities have been admirably conspicuous in a most trying situation, could not have been exerted had we not previously made our calculations accurately. . . . What superior men Mountstuart Elphinstone and John Adam are. Let me add that Sir John Malcolm has shown admirable talent as well as brilliant valour. But in truth I have found ability and energy of the proudest rate in your service. One may do anything with such men.”<sup>2</sup>

This sincere and graceful compliment to William Elphinstone and those who had been trained under his care, coming from such a statesman as the Earl of Moira, must in itself have been a recompense to him in some degree for his careful and zealous exertions in the service of the company.

No better instance could be given of the power and benevolence of Mr. Elphinstone in his management of the affairs of the East India Company than the two letters which we shall next quote. In all his dealings with those in any degree dependent on him he was ever ready to use his influence in their favour, and spared no effort to secure for them what he considered they were entitled to. For this reason he enjoyed the confidence of the servants of the company perhaps in greater degree than any of his colleagues in the direction, and was appealed to by them, when in any doubt or difficulty, to assist in the arrangement of their affairs, and to say a word in their favour before the court. Requests of this nature from the rank and file of the civil servants would not be of more than passing interest as indicative of the natural

<sup>1</sup> Original letter, dated Calcutta, 6th June 1817, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

kindness of Mr. Elphinstone, but a flattering letter on the subject, characterised by his usual sagacity and neatness of expression, from the pen of the celebrated Warren Hastings himself, the first and longest governor-general of India, is worthy of a place in this memoir :—

“Portugal Street, 27th July 1804.

“SIR,—Though I am not officially apprized of the resolution passed on Wednesday last in my favour by the court of directors, yet, as I know the substance of it, and well know also how much I am indebted to the active and generous part which you have taken in this business from its commencement, through every process of it, which you have conducted, I beg you to accept my most grateful thanks. I regret that I cannot express my sense of the obligation which you have laid upon me by such words as could distinguish it from the formality of a common and unfelt acknowledgment ; but I entreat you to credit their sincerity.

“To the generous motives which have actuated you upon this occasion it will be gratifying to be assured, and I do, sir, most truly assure you, that I am not only satisfied with the bounty granted to me by the court, but that I should have been contented and thankful had the term of the grant commenced with the present time, instead of its considerate extension to the period of the past year.

“I have the honor to be, with very great respect, sir, your most obedient humble servant,

WARREN HASTINGS.”<sup>1</sup>

This letter was doubtless written by the venerable Indian statesman after his retirement to his retreat at Daylesford, and about ten years after his memorable acquittal by the House of Lords.

Many years later, in 1823, another letter of a similar nature was received by Mr. Elphinstone from another of the company's old and trusted servants in high position, viz. Major-General Sir John Malcolm, who was for a time governor of Bombay, and brother of Vice-Admiral Sir Pulteney Malcolm, G.C.B., who married Clementina, the eldest daughter of the Hon. William F. Elphinstone, the subject of this memoir. Writing on 10th July 1823, he says:—

“MY DEAR SIR,—My brother Pulteney has informed me of your wish to know my

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

Portugal street 27.<sup>th</sup> July 1804.

Sir

Though I am not officially apprized of the resolution passed on wednesday last in my favor by the Court of Directors, yet as I know the substance of it, and well know also how much I am indebted to the active and generous part which you have taken in this business, from its commencement, through every process of it, which you have conducted, I beg you to accept my most grateful thanks. I regret that I cannot express my sense of the obligation which you have laid upon me by such words as could distinguish it from the formality of a common and unfelt acknowledgment; but I entreat you to credit their sincerity.

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I have the honor to be with very great respect

Sir

Your most obedient  
humble servant

Warren Hastings,

The humble

William Elphinstone

sentiments on the discussions which have taken place at the India House respecting a proposed pension to me.

"I trust this measure will be soon brought forward, for, after the publicity which the liberal intentions of the court of directors towards me has attained, it would be unpleasant to have much further delay, or that it should be given up even on well-grounded fear of its success. The proposition from the quarter whence it proceeds must, whatever is its fate, be to my honor. . . . I cannot but know that my character, or rather that of my services with the public, must be affected by the amount of reward which that body who can best appreciate the value of the labors of my life may grant me. —I remain, with sincere respect, yours very faithfully, JOHN MALCOLM."<sup>1</sup>

One other letter may be quoted in this connection, not so much on account of its contents, but because of its noble and distinguished author—the eloquent and accomplished George Canning. During the earlier years of his parliamentary career the faithful adherent and associate of the still more famous Pitt, he was created foreign secretary in 1807; and in 1822, on the retirement of Lord Hastings, he was appointed his successor as governor-general of India, and prepared to leave England to enter upon his new duties there. Just before his departure, however, he received the news of his appointment to the post of foreign secretary on the death of Lord Castlereagh, so that he never went out to India. It was at this time that the Honourable John Adam, nephew of the Honourable William Elphinstone, whose letters are referred to further on in this memoir, as senior councillor, was nominated to the position of governor-general of India, pending the arrival of Lord Amherst. Mr. Canning afterwards became first lord of the treasury and chancellor of the exchequer in 1827, but he did not enjoy his premiership long, as he died on 8th August of that year. The friend of Pitt, the opponent of Brougham, characterised as well by his learning, grace, and honour, as by his powerful and convincing eloquence, he is universally acknowledged to have been one of the leading spirits in that generation of intellectual giants. The small letter to the Honourable William

<sup>1</sup> Original letter to the Hon. W. F. Elphinstone in Elphinstone charter-chest.

Elphinstone here quoted was written the year before his appointment as governor-general.

“Gloucester Lodge, July 30th, 1821.

“MY DEAR SIR,—In consequence of your letter of the 27th (which only reached me on Saturday evening) I have looked through Lord Hastings' correspondence, and found the passage to which I suppose you refer, but which I confess had slipped my recollection. I enclose an extract of it for your information, and I send another copy to Mr. Reid (as I am afraid I cannot see him before Wednesday). With my best wishes, I am, dear sir, with great truth, your obedient faithful servant,<sup>1</sup>



The family of the Honourable William Elphinstone and his wife Elizabeth Fullerton consisted of four sons and three daughters. After receiving a liberal education, as befitted their means and station in life, each of the sons was placed in that profession towards which his inclinations were directed, and where happily each rose to distinction. The eldest son, John Fullerton Elphinstone, followed the path in which his father had been so successful, and entered the service of the East India Company. His brother Charles chose the navy, where he had a remarkably brilliant and successful career before his early death at the loss of the *Blenheim* in 1807. The two younger sons, William Keith and James Drummond, both entered the army, and took a prominent part in the memorable engagement at Waterloo in 1815. This will be more fully considered in their detailed notices.

John Elphinstone, the eldest son, was at an early age placed by his father in an advantageous situation in the service of the company, being appointed a member of the select committee in the management of the recently established trading-settlement at the port of Macao in China. At first, dis-

<sup>1</sup> Original letter to the Hon. W. F. Elphinstone in Elphinstone charter-chest.

inclined to engage in the technical routine of business, he seemed anxious only to make a sufficient competence to enable him to retire early from the service. But, guided and encouraged by his father, he rapidly developed an active interest in the work, and being talented with a remarkable degree of his father's perseverance and capacity for business, he soon constituted himself one of the leading and most accomplished authorities on Chinese character and trade. Being engaged in the same business, his correspondence with his father was, as might be expected, frequent and voluminous; and his insight into all that concerned the welfare and trade of that vast and influential establishment, the East India Company, combined with the clear and decisive manner in which he expressed his opinions, render his letters not only of consequence in reference to his own and his father's public and private life, but also a valuable source of information on the interesting question of the development of our trade in the far east. He was at the same time kept informed of the remarkable events transpiring at that time on the continent of Europe, owing to the activity of Napoleon Buonaparte, and the effect they had on our own country. A reference to several of his letters may be of interest here. Writing from Canton in 1807 he says:—

“MY DEAR FATHER,—I wrote you a few days ago by an American to New York; this goes by another, and as the Yankees are in the habit of opening and detaining letters, they shall have two chances of so doing. We have been gratified by the arrival of news of peace [with Buonaparte]. I was more concerned to hear that Mr. Fox's health was much broken, and that he was very infirm, than I should have been at almost any political misfortune; for I consider his life and continuance in office as indispensable to procuring and maintaining anything like an honourable peace.

“All here are quite well, James<sup>1</sup> wonderfully so; he seems perfectly satisfied with his situation, and every day will reconcile him the more to it.—I am, most sincerely yours,  
J. F. E.”<sup>2</sup>

<sup>1</sup> His brother, James Drummond Elphinstone, afterwards Col. James D. Elphinstone, who was for a time in the service of the East India Company under his brother John at

Canton, but soon afterwards left it to enter the army.

<sup>2</sup> Original letter in Elphinstone charter-chest.

Some idea may be formed from this letter of the place occupied by the veteran Charles James Fox in the esteem and affection of the British people, when, with all Europe in commotion and alarm at the power and success of the French autocrat, the mind of the nation was directed with such anxiety to the health of this great statesman on whom they placed such reliance in the hour of need. Fox then held the important position of foreign secretary in the famous "All-the-talents" administration of 1806; but the illness here spoken of soon afterwards proved fatal, and his death occurred on 13th September of that year.

Much interesting information may be gleaned from the letters of John Elphinstone to his father as to the habits of the Chinese merchants, who had long been so averse to having any communication with other nations. Writing home in reference to the establishment of a new trading-station, he gives a graphic account of the difficulties at that time experienced by British merchants in that country, owing to the deep-rooted reluctance of the Chinese to deal with foreigners, the boldness of the pirates or "ladrones," and the insufficiency of the company's armature. He says:—

"This will have the effect of shewing the mandarins at Canton you have the power of resenting their conduct, and nothing more; for as to any concession, 500 ambassadors will have no effect in getting anything but bad treatment and contempt. Had they proceeded to acts of violence . . . the only method to procure a satisfactory answer would be by sending your compliments attended by 3000 men and field pieces, and the whole force of China could not dislodge them . . . then they would be civil. If it was desirable to turn the Tartars out and introduce the old family once more to the throne, every Chinese would join; however, some steps ought to be taken and troops can be easily supplied from Bengal."<sup>1</sup>

Fortunately such revolutionary measures as are here suggested were not required for the establishment of our trade even with the refractory Chinese. Some years later in a letter from Canton he again reverts to this question,

<sup>1</sup> Original letter, J. F. Elphinstone to his father William Elphinstone, dated from Macao, 2nd April 1807, in Elphinstone charter-chest.

and gives a clear and decisive opinion on the subject which was of such moment to the directors of the company in the senate at India House, having baffled their ingenuity to solve and combat in a satisfactory manner.

“If we were systematically to be indifferent to the character and honour of our nation, all respect for us would of course cease with the Chinese. To procure the one, that is, the interests of the company, we must carefully attend to the other, that is, our honour and character as individuals and as a nation. There is no injustice, no indignity, that the Chinese (insolent by nature) will not heap upon us, if they think that we will submit to it; and the only chance of being well treated is to prove to them that we will not bear bad treatment patiently. The bad treatment is not sanctioned from Peking, but the contrary; they are ordered to give us no offence, every protection. The bad treatment arises in part from the interested views of the merchants and partly from the desires of the mandarins to make profit. The trade is in fact just as valuable to the Chinese as it is to us, and they must, and when they see that it is necessary to preserve this trade they will, treat us with more civility and consideration.”<sup>1</sup>

To attempt to give even a general idea of the contents of these letters would occupy far more space than is here available, but a reference to tea, a gift we originally owe to China, but which has now become the most universal and popular beverage of our country, is too interesting to be passed over. That article for many years constituted perhaps the chief item of our commerce with China, and the import of tea to this country was increasing annually with great rapidity. Writing from Canton in reference to the appointment of a tea-inspector he gives an interesting description of that business:—

“The mode of examining is as follows,—the muster chest arrives and the tea-inspector smells, tastes, and looks; some time after the committee arrive and do the same, when the character of the muster is recorded. The difficulty is on the day of weighing when perhaps 12,000 chests are to be received. The mode is to open five in a hundred, and endeavour to find out if any difference exists between the muster and the chop. Here perhaps a professional man is absolutely necessary; a number of flavours and distinctions may escape persons that are not. Added to this the brokers

<sup>1</sup> Original letter, Canton, 19th January 1815, in Elphinstone charter-chest.

will never be satisfied unless a tea-inspector is here, and therefore as he costs the company nothing, I could not wish the appointment done away with.”<sup>1</sup>

From the tone of several of Mr. John Fullerton Elphinstone's letters about this time, some idea may be formed of the apprehensions felt by the residents in India and our other colonies, as to the possibility of an invasion of that country by a combined continental army under Napoleon Buonaparte. While there is no doubt that there was a distinct possibility of such an occurrence, the fragmentary news that from time to time reached the various stations in India and elsewhere gave rise to the most exaggerated rumours and alarms on the subject, as appears from the following letter :—

“Macao, 22d June 1808.

“MY DEAR FATHER,—All here are quite well, anxiously awaiting the arrival of more news. Our last from Europe was in the beginning of November, when as much as one feels interested in the independence of the Continent so much was the news deplorable. Our Indian intelligence states a French, Persian, Turkish, Russian, and probably an Austrian combined army on its march to drive us from our possessions in India. One can scarcely conceive so many opposite and discordant interests uniting in such a scheme. Was our present footing in India essentially necessary to our existence as a nation, it would be serious ; but while the expenses of India exceed its income, such a measure need not excite much alarm. The settlement has been thrown into the greatest dismay by the late news. All those who were in any degree connected with Europe by family or otherwise feel all the apprehension that must be excited when a country is about to change its masters or rather rulers” [etc.].<sup>2</sup>

With all his business acumen and commercial keenness William Elphinstone was at the same time a tender and affectionate father to his children : in which he was emulated by his wife, Elizabeth Fullerton, who was ever watchful for their welfare. With their family, which they had trained up with such care and affection, scattered in various regions of the world and exposed to the vicissitudes and dangers of life in the army, on the ocean, or

<sup>1</sup> Original letter from J. F. Elphinstone to his father, the Hon. W. F. Elphinstone, East India House, London, in Elphinstone charter-chest.

<sup>2</sup> Original letter, J. F. Elphinstone to his father, the Hon. W. F. Elphinstone, *ibid.*

in a foreign land, their anxiety in this respect is not to be wondered at; and would be greatly increased by the loss of their second son Charles in the *Blenheim* in 1807. On receiving now and again reports that their eldest son John had suffered somewhat in health from his residence in China, William Elphinstone wished him at once to leave his lucrative and important situation there, and come home to recruit his strength for a time, and then he would see about getting him established in some more salubrious locality. In reply to a letter to this effect his son writes him reassuring him as to his health, and stating that he had now quite recovered, otherwise he would have left China at once. In thanking his father for his solicitations on his behalf, he writes :—

“This [his coming home] I almost determined on doing, and what your affection and kindness decidedly called on me to do; but really with the exception of an accidental occasional cold, many more of which I probably would have had in London, I have been quite well. On my arrival here I laid down a plan of diet and regimen, which I have persisted in to this day with great success; it consists chiefly in avoiding on all occasions temptations, long or large parties or heated rooms, either of which would, I am persuaded, have thrown me back. I trust what I have now said will be sufficient to remove, if my former letters did not so fully, any uneasiness on my account.

“I hope, however, by the first ships that leave this James<sup>1</sup> will return. I am convinced it will afford you more satisfaction, added to which at his time of life two years in England will [be] of essential advantage in many respects, besides you having the pleasure of seeing and strengthening the principles and way of thinking you so strongly recommend.—My dear father, yours most sincerely,  
J. F. E.”<sup>2</sup>

The high position of William Elphinstone as member and chairman of the court of directors, and his great influence in the affairs of the East India Company, naturally led to his being besieged with applications for favours of all kinds. Among the innumerable letters on this subject preserved in the Elphinstone collections there are several from persons holding the highest and most honourable positions in the country, and even royalty itself was on

<sup>1</sup> His brother, James Drummond Elphinstone.

<sup>2</sup> Original letter from John Fullerton

Elphinstone to his father, the Hon. W. F. Elphinstone, dated Macao, Dec. 5, 1808, in Elphinstone charter-chest.

more than one occasion pleased graciously to solicit his favour in this respect. To these numerous appeals William Elphinstone gave the most courteous and careful attention that his time would permit, and from the many letters preserved among his correspondence, gratefully acknowledging the receipt of such favours, it would appear that he never lost a chance of benefiting a fellow-creature when it was in his power to do so, whether he were the favoured protégé of a duke or the humble offspring of a country farmer. All received due consideration at his hands, and in this way, even if in no other, few men have earned a greater measure of gratitude from the wide circle of his friends and acquaintances than did William Elphinstone. To quote even a fragmentary portion of his correspondence on this subject would more than fill the space allotted to the subject of this memoir, but a few of the more interesting may be referred to.

The first letter quoted in this connection is from His Royal Highness, George, Prince of Wales, who afterwards became, in 1820, King George the Fourth, after acting for a time as regent during the latter years of the reign of his father, King George the Third. Its tone is eminently friendly to Mr. Elphinstone, and expressive of the esteem and confidence reposed in him by his royal correspondent. It is as follows :—

“Carlton House, October 11th, 1806.

“MY DEAR ELPHINSTONE,—I take the liberty of sending to you for your consideration, and of recommending to you, the contents of the enclos’d paper, as it is a matter in which I feel my self much interested, as it relates to Mr. Farquhar. I am confident that you will do everything that is proper concerning it, and not the less so when you are acquainted how anxious I feel myself for this young gentleman’s success. I hope you are fully aware how sensible I am of your attentions upon all occasions, and how truly I ever am, with the highest possible regard, your very sincere friend,

“GEORGE P.”<sup>1</sup>

Another letter of a similar nature, addressed to Mr. Elphinstone, by His

<sup>1</sup> Original letter to the Honourable William Elphinstone, chairman of the Board of Directors, in Elphinstone charter-chest.

My dear Effingham,

I take the liberty of sending to  
you for your consideration, & of recommending to  
you the contents of the enclosed Paper, as it is  
a matter in which I feel my self much interest  
as it relates to Mr. Fargahar the son of my old  
friend Sir Walter Fargahar; I am confident  
that you will do every thing that is proper  
concerning it, & rest the less so when you  
are acquainted how anxious I feel my self  
for this Young Gentleman's success; I hope  
you are fully aware how sensible I am, of  
your attentions when all concerns, & how  
truly I ever am, with the highest respect, &c.  
Carlton House.  
Oct. 11<sup>th</sup>.  
1806.

Your very sincere friend,  
George B.



Royal Highness, Prince Edward, Duke of Kent and Strathearn, is written in such a graceful and complimentary manner, that it deserves to be quoted in full. Besides being an evidence of the friendship existing between them, and the reliance placed in Mr. Elphinstone from former instances of his kindness on such occasions, the letter bears testimony to the benevolence of its author, and the care and trouble he took to oblige those who had even the slightest claim to his attention.

“Brussels, 28 July 1817.

“MY DEAR SIR,—Gratefully recollecting the many marks of polite attention I have experienced from you at different periods when I have had occasion to address you regarding any protégés of mine, I feel the less hesitation upon the present occasion in troubling you, as the object of it is to recommend to your friendly and kind offices two very fine youths (brothers), of the name of Dodd, who are godsons of mine, for clerkships in the India House, either in the Transfer Office, or any other eligible department that you can point, where they may be employed for the present, with the prospect of future advancement.

“I should observe to you that these two young lads, of the ages of sixteen and seventeen, have received an excellent education, and are well qualified for any situation where steadiness and penmanship are required ; and as, through the reduction of the army, they are deprived of the prospect which I had held out to them, as the stimulus to apply to their studies, I feel most *truly anxious* to obtain what I now solicit for them, as soon as the thing is practicable, as they have no other friend in the world to look up to but *myself*, and unfortunately I possess no personal influence in any department of government, that would enable me to introduce them into any other line. Having said this, you will easily imagine how *grateful* I shall feel if you can assist me in accomplishing this object, and that I shall always esteem it as a *personal obligation conferred upon myself*. In the meanwhile, anxiously expecting the same, I remain, with every sentiment of the most friendly regard, and with the highest consideration and esteem, my dear sir, yours faithfully,<sup>1</sup>

A handwritten signature in cursive script, reading "Edward". The signature is written in dark ink and is positioned to the right of the main body of the letter.

<sup>1</sup> Original letter to the Honourable William Elphinstone, director of the East India Company, in Elphinstone charter-chest.

Two letters received by William Elphinstone from Sir William Knighton, the private secretary of King George the Fourth, are of such interest as to deserve insertion here, both as showing the friendship existing between him and the Elphinstone family, and also because they were evidently written (the latter at least) under the personal direction of His Majesty. The first of them bears date 1823, a period of considerable political excitement, and just the year after the appointment of Sir William Knighton to the position of private secretary in succession to Sir Benjamin Bloomfield. Both letters bear further testimony to the influence of Mr. Elphinstone and the readiness with which he acquiesced in the requests of his friends to assist those in whom they were interested, but who were as yet only on the threshold of life.

“Carlton Palace, November 22, 1823.

“DEAR SIR,—My long absence from town has prevented me having the pleasure of acknowledging your last kind letter, and I have hoped from day to day to have had it in my power to have called at your house in place of writing. My protégé midshipman is dead. The gentleman’s name for the writership is Henry S. Burton, but he was only fifteen years of age in September last.

“We shall be in town in a few days for a week, when I hope to have the pleasure of calling on you.

“I have the honour to be, dear sir, with great respect and esteem, yours very sincerely,  
W. KNIGHTON.”<sup>1</sup>

“Carlton Palace, December 6, 1829.

“DEAR MR. ELPHINSTONE,—You must excuse my not having had it in my power to write you more immediately, but I was obliged to wait for the King’s signature. I thank you again very much for the cavalry cadetship you have so obligingly given to me ; it is for the son of a lady who is very poor, and it is really an act of great charity. I have on the other side put the name of the young gentleman and the residence of his mother.

“I have the honour to be, dear sir, with great respect and esteem, yours most sincerely,  
W. KNIGHTON.”<sup>2</sup>

That William Elphinstone was not only courteous and obliging to those who stood high in public estimation, but did not grudge to use his influence

<sup>1</sup> Original letter to the Honourable William F. Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Original letter to the Honourable William F. Elphinstone, *ibid*.

for the benefit of those in the humbler walks of life, is evident from the next letter here quoted, written by one at the other end of the social scale. While not characterised by the same dignified and courteous language as those already given, it fully makes up for any deficiency in this respect by the evident warmth and sincerity of the feeling evinced by the author in his expression of gratitude to William Elphinstone for the way he had helped him.

“New York, 23 January 1797.

“HONOURED SIR,—I again take the liberty of informing you of my present welfare, as I think it is a duty I owe after the confidence you have reposed in me ; and while I live I will remember with gratitude the many instances of your goodness, but the last the greatest, and to that I owe my present comfortable situation. . . . Whatever I may do I hope in God you will never have reason to regret your goodness to me, and to my grave shall I carry a grateful sense of it. . . . With my best wishes for you and your family's happiness, and may God bless you all is the sincere wish of, honoured sir, your most obliged and humble servant,

JAMES BALHAREY.”<sup>1</sup>

Many more letters might be given to illustrate the wide range of those who sought favours and preferments at the hand of William Elphinstone, either for themselves or on behalf of their friends, and the confidence with which they applied to him, with the knowledge that their requests would be treated with that careful attention and ready compliance so characteristic of him, and that their confidence would in no wise be betrayed. It will be amply sufficient, however, to quote only one other letter in this connection. It is from the hand of Sir James Innes Norcliffe, Bart., the fifth Duke of Roxburghe, and was written by the Duke in 1822, when he had reached the advanced age of eighty-six, and just the year before his death. The request is on behalf of a young graduate of the medical profession, newly qualified with honours both from Edinburgh and London.

“Bamburgh, 5th May 1822.

“MY DEAR MR. F. ELPHINSTONE,—The Duchess and Lord Bowmont have been here for sea air since the first. From excessive heat it changed to a cold N. Easter.

<sup>1</sup> Original letter to the Honourable William F. Elphinstone, in Elphinstone charter-chest.

To-day mild, I hope to continue, as the Duchess and I intend remaining till the 5 of June, and then return to Floors, to meet friends who visit us. My cousin Mr. J. C. Hopkins will call on you with this letter. He wishes your assistance, to place his cousin Doctor George Hopkins, as a surgeon, or rather mate, the first voyage to an Indiaman. He took his degree with great approbation coming one year ago, at Edinburgh, and attended surgery at London. I thought he was to have settled in Ireland, where he has good connections. His father is one of the oldest revenue of Excise at Limerick. . . . His eldest son was unfortunately killed after passing the Adaur, where he for his services in the 5th R. Foot at Buenos Ayres and the Peninsula must have had a company. His brother William had his leg joint disabled at Badajos under Picton, and is thrown on half-pay of the 5th. Dr. George, Mr. Hopkins' third son, is him for whom I apply for your assistance for a nomination to one of your large Indiamen. He found himself too young to sit down at once as a physician. From the time he has been with me at Floors I entertain the best opinion of him. He will receive the proper testimonials from the proper persons. I fear I have given you the trouble of reading a long detail.

"If any of your sons are coming to Scotland before June, let them fix the time they propose to favour me with their company, and I will leave Bamburgh to meet them at Floors. The Duchess joins me in offering compliments and best regards to yourself, my dear cousin, and Mrs. F. Elphinstone and family, being your much obliged and affectionate humble servant,

ROXBURGHE."<sup>1</sup>

Among the wide circle of the friends and relations of William Fullerton Elphinstone, special notice deserves to be taken of his connection with his nephews, several of whom occupied most important positions and stood out as men of eminence in their respective callings. There was Mountstuart Elphinstone, D.C.L., one of the most trusted and beloved of the servants of the East India Company, who became Governor of Bombay and the learned and fascinating historian of India. There was his brother, James Ruthven Elphinstone, resembling in many respects his younger brother, Mountstuart, and associated with him in the civil establishment at Bengal. There was the Honourable John Adam, a man of sound judgment and great diplomatic ability, who held the Governor-Generalship of India in the interval between two such

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

distinguished statesmen as the Earl of Moira and Lord Amherst. There was Charles Elphinstone Fleming of Biggar and Cumbernauld, who became Admiral of the Blue and Governor of Greenwich Hospital; and lastly, there was John, twelfth Lord Elphinstone, Major-General in the Army, and the father of the famous thirteenth Lord Elphinstone, Governor of Madras, and of Bombay during the memorable mutiny of 1857. All these, but especially the first three, who were in the same honourable service as himself, owed their progress and advancement in that service, in greater or less degree, to the influence and assistance of their venerable uncle, who spared no pains to assist and direct them whenever he had the opportunity of so doing. In their correspondence with him they freely acknowledge their indebtedness to his kindness, and place the utmost confidence in all his opinions and actions towards them, so much so that neither of them would undertake any important measure in their respective positions in the administration of the company's affairs without first seeking and receiving the friendly advice and sound practical judgment of their experienced relative. Even while holding the highest position obtainable in the Indian Government, that of Governor-General of India, the Honourable John Adam relied entirely on the instructions of William Elphinstone for the direction of his actions, as appears from the voluminous correspondence which passed between them during this period.

A few selections from the letters of his nephews will suffice to show the manner in which Mr. Elphinstone befriended and advised them, and the esteem in which they held him and confidence they reposed in him in return.

In one of the few letters in which Mountstuart, doubtless during the advent of a wave of home-sickness, talks mournfully of the separation from his friends and home comforts entailed upon him by his residence in India, he is suddenly brought up by a recollection of the friend to whom he owes his position there, and to whom he would not be thought ungrateful, and concludes his letter with the words:—"None of the considerations which

I have just been stating at any time diminish my gratitude to my uncle William for putting me in a situation where it was within my own reach to make a certain and ample fortune.”<sup>1</sup> Writing to his uncle in 1817 in reference to the arrival of Sir John Malcolm, who was then and afterwards an intimate friend of Mountstuart, and for whose ability and faithfulness in the company’s service he always professed the greatest admiration, he says :—

“Poona, April 2d, 1817.

“MY DEAR UNCLE,—Malcolm has at length reached Madras and has been received on the strength of the army, although, having overshot his time by a few days, he was at one time apprehensive that he would meet with some difficulty in being restored. He is now waiting for an invitation to Calcutta, where his talents will be greatly required at this moment, and where I have no doubt he will be a welcome guest. I beg to be kindly remembered to Mrs. Elphinstone and my cousins, of whom John at least, if not William and James, must recollect me.

“I am, my dear uncle, yours most respectfully and sincerely,

“M. ELPHINSTONE.”<sup>2</sup>

A statement of Mountstuart Elphinstone in one of his letters to his uncle William is so characteristic of him, and of such importance as showing the wisdom and humanity of his method of government, that it may fitly be quoted here. It really contains the key to the remarkable success and popularity of his administration, to the universal esteem and gratitude with which he was regarded by the natives of India, and to the multitude of testimonials accorded to him on his resignation of the government and return to this country. In its clearness and conciseness it is equally characteristic of the author and the statesman :—“The plan I am going on is to show the utmost possible moderation, to preserve the institutions of the natives as I find them, and to make great sacrifices for the purpose of taking the people along with me, instead of imposing a government by mere force.”<sup>3</sup>

<sup>1</sup> Original letter of Mountstuart Elphinstone, dated Poona, July 1st, 1811, in Elphinstone charter-chest.

<sup>2</sup> Original letter to the Honourable William Fullerton Elphinstone, *ibid.*

<sup>3</sup> Original letter to the Honourable William Fullerton Elphinstone, *ibid.*

One other reference is sufficient to show the cordial relations existing between uncle and nephew. On hearing from the court of directors that some of his actions had displeased them, especially in raising the salaries of those who were employed under him, Mountstuart Elphinstone writes to his uncle William vindicating his conduct and stating that—"I never granted an addition to any one's salary without considering that I was sacrificing so much of the chance of an addition to my own." The unselfishness and benevolence which was so outstanding a feature in the nature of Mountstuart Elphinstone is here made very apparent when it appears from this letter that not only had his kindness to his subordinates stood in the way of his own advancement in salary, but that it had earned him the displeasure of the court of directors. It was natural for him in this predicament to look to his uncle William for advice and support, and with such a powerful and influential friend at court it is not to be wondered at that he was soon reinstated in the good opinion of the directors. His letter terminates with the words :—

"I cannot conclude without offering my best thanks for your attention to my interests in your proposed motion about my allowances. For the reasons I have stated I am not at all sanguine of success, but I shall not be the less thankful whatever may be the result. Believe me, with sincere respect, my dear uncle, yours most sincerely,

"M. ELPHINSTONE." <sup>1</sup>

James Ruthven Elphinstone, the immediate elder brother of Mountstuart, was also engaged in the service of the East India Company, being employed at various trading establishments throughout the country—Calcutta, Bombay, Poonah, etc. Having suffered in health from the warmth of the climate, he died on his homeward journey at St. Helena in 1828, where a monument was erected to him by his brother to commemorate his many good qualities and association with him. During the time of his active service in India he corresponded with his uncle, the Hon. William Elphinstone, who

<sup>1</sup> Original letter of Mountstuart Elphinstone, in Elphinstone charter-chest.

was ever ready to assist him, and to whom he confided the joys and sorrows of his chequered career. Writing from Calcutta in 1823, five years before his death, he gives an account of the engagement of his daughter to Professor Mill of the Bishop's College, Calcutta.

“Calcutta, 2nd October 1823.

“MY DEAR UNCLE,—I trust you will not attribute my silence to any diminution in affection or duty towards you ; it has been occasioned chiefly from a dislike to intrude upon your time, which I am aware is occupied with matter of more importance than reading my letters. . . . Knowing the interest you have ever taken in what concerns me, it will afford you pleasure to hear that my daughter Maria is shortly to be married to Mr. Mill, the head Professor of the Bishop's College at Calcutta, a gentleman of amiable disposition and sterling abilities. I esteem it a fortunate circumstance that she has met with a man so well deserving of her, for she has been a most affectionate dutiful child and delightful companion to me. My wife begs to be permitted to send her best regards to yourself, my aunt, and cousins, in which I most cordially join.—Believe me to remain, my dear uncle, your most affectionate nephew,

“J. R. ELPHINSTONE.”<sup>1</sup>

The Honourable John Adam, another nephew of William Elphinstone, was the eldest son of the marriage between the Right Honourable William Adam of Blair-Adam, M.P., and the Honourable Eleanora Elphinstone, daughter of Charles, tenth Lord Elphinstone, and sister of William Elphinstone. After being engaged for some time in the service of the East India Company, he was appointed a member of the supreme council in 1819. At the retirement of the Earl of Moira from the governor-generalship in 1823, John Adam, as senior councillor, was elected to the position of Governor-General of India on 13th January of that year, previous to the arrival of Lord Amherst. This position he held for a period of over six months, till the 1st of August, when he resigned to Lord Amherst. During his term of office, as already stated, he corresponded frequently with his uncle William, and received directions from him. The affairs of the company were at that time in a fairly prosperous condition, and the measures he adopted during his short

<sup>1</sup> Original letter to William F. Elphinstone, in Elphinstone charter-chest.

tenure of the post of governor-general appear to have been singularly successful from the report he gave in to Mr. Elphinstone in the following letter :—

“Barrackpore, June 17th, 1823.

“MY DEAR UNCLE,—I have been but a bad correspondent lately, but I have not been idle, and I hope you will not see any reason to disapprove of what has been done by this government since I have held it. Our great financial measure has completely succeeded, which you will see from the official dispatches. By the lowest calculation we shall have in the current and in future years, unless some very great and unexpected deterioration takes place, a disposable surplus of at least 8,000,000 R[upees], after providing for every demand in India and China, and furnishing you with a full investment. You have forbidden us to remit to England, and a further immediate reduction of debt would not be beneficial either to the Government or the public. In these circumstances we have thought ourselves justified in directing some of this overflowing wealth to the relief of the people from some of the most pressing burthens, and to the prosecution of works of public utility, from both of which measures you may confidently expect an ample and not very distant return. . . . There still remains *the Army* and on this important subject I do hope your orders will not be delayed. If they are you must be prepared for our taking some measures ourselves in anticipation of your authority, for enabling the military establishments to meet the demands incessantly pressing upon them. Any step of this kind will be taken with great reluctance and confined within the narrowest possible limits. I hope indeed the early receipt of your orders will preclude all necessity for our having recourse to it. I suppose you will by this time have seen Lord Hastings if he proceeded to England.—Ever, my dear uncle, most affectionately yours,

J. ADAM.”<sup>1</sup>

In another letter shortly afterwards, and just before the arrival of Lord Amherst, he records with great satisfaction the fact of his reappointment to the council, which he naturally concludes to be an evidence of the success of his administration, and at the same time takes the opportunity of thanking William Elphinstone for the part he had taken in assisting him to it.

“Calcutta, July 18th, 1823.

“MY DEAR UNCLE,— . . . It seems pretty well understood now that Lord Amherst visits Rio de Janeiro, the Cape, and the Mauritius on his way to India, so that

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

the time of his arrival may still be protracted. I consider myself very fortunate in having held the government so long, and I hope the account of my stewardship will not be a discreditable one. Since I write to you we have received from the court the notification of my reappointment to council. I cannot be sufficiently sensible of the value of this, both as a feather in my cap and a substantial benefit, and of the degree in which I am indebted to you for the attainment of it.—Believe me, my dear uncle, most sincerely and affectionately yours,

J. ADAM.”<sup>1</sup>

One of the most remarkable facts in the remarkable career of William Elphinstone was the splendid health he enjoyed up to a late period of his life. Residence in a tropical country combined with a business life of almost incessant activity are not usually considered as disposing factors to longevity; and yet Mr. Elphinstone, entering the service of the East India Company at the early age of seventeen, long resident in India, and engaged for many years in a position demanding close and regular attendance, and burdened with responsibilities and anxieties of no ordinary nature, enjoyed a degree of health and a length of years, which is reckoned exceptional even among those living in the most advantageous circumstances. His long connection with the East India Company extended over a period of close on seventy years, many of which were spent in the keen and controversial atmosphere of the court of directors at India House, and yet it was not till he had reached the venerable age of eighty-five that he sent in his resignation and retired into private life. Several times in the course of his directorship he felt the strain and responsibility of business so heavy that he more than once formed the resolution to retire, but was influenced by his friends and colleagues, and more especially by his eldest son, on whose opinion he placed great reliance, again to resume his labours and re-occupy the post in which he had spent so many years of usefulness, both to the company and to his friends. Writing from Macao in 1801, his son congratulates him and expresses his sincere satisfaction on seeing his father again chosen for the

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

direction, in the following terms:—"I was truly happy to see your name among the elected for the direction. I was fearful from some hints you dropped of your being tired of the labour. If I may offer an opinion, there is no other business you would like so well, or where for some time you would be of that service to your friends, the power it gives you of providing so well for so many must be desirable."<sup>1</sup> In another letter a few years later he brings further persuasion to bear on his father not to think of resigning his position as director. The argument he here uses is in many cases a true and potent one, and doubtless had strong influence with William Elphinstone, as he remained in the direction for eighteen years afterwards. The letter proceeds:—

"Canton, Jan. 4th, 1808.

"MY DEAR FATHER,—I heard you were never in better health or looking so well, and also that you gave it out that on your time of being a director having expired it was not your intention to take your seat again. No one can so well judge as yourself as to the propriety of so doing, as the instant the attendance becomes either irksome or disagreeable from circumstances or colleagues, there can be no necessity for your continuing; that these do or do not exist at this distance it is impossible to say—I can only speak generally. Persons accustomed to be employed and of an active turn of mind are always so infinitely the better in every respect for the occupation, and suffer so very materially in health and spirits when idle, that we cannot but much dread their becoming so. We have a very strong instance in Lord Keith, who, from every thing I have heard of his illness, I verily believe had not the war come to his relief would long since been from among us. That there was a very strong resemblance so far as being actively disposed between you and him I always thought and understood. I am very far from wishing you to be subject to the hot chamber confinement, which as chairman you must submit to, but the situation of a director being but an occupation for two days in the week, unless circumstances make it unpleasant I should regret to hear you had withdrawn."<sup>2</sup>

An interesting account is given in one of John Elphinstone's letters of an election in the year 1821, at which his father was present. The election was

<sup>1</sup> Original letter, J. F. Elphinstone to his father, the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Original letter, J. F. Elphinstone to his father, the Honourable W. F. Elphinstone, *ibid.*

for the county of Stirling, and Mr. Elphinstone, then eighty years of age, accompanied by his daughter Anne, travelled to the scene of action to support his friend, a candidate in whom he was much interested. He went first to Edinburgh, where his eldest son John was waiting for him, who describes him as "looking particularly well, and in continual amusement and occupation for the several days in Edinburgh preceding the day of our leaving." Some excitement and fear as to the result of the election was at first caused by the receipt of the news that some of their supporters would be unable to come, through illness. After dining with Sir William Bruce at Stenhouse they proceeded to Stirling. On the day of the battle all their friends and supporters, including the invalids, arrived, and at once placed them in security, their candidate winning by a majority of five. The election being over by five o'clock, they left Stirling at nine that evening, and next day proceeded to Tulliallan, Mr. Elphinstone having gone through the whole ordeal without any appearance of fatigue—a notable achievement for such an octogenarian.

Three years afterwards, however, on 22nd March 1824, the Honourable William Elphinstone suffered from an apoplexy or stroke of paralysis, which rendered him for a time speechless. The event is thus recorded in the journal of his wife, Mrs. Fullerton Elphinstone:—"1824, March 22.—This morning it pleased God to afflict me with the dreadful shock of finding Mr. E. speechless from a paralytic stroke."<sup>1</sup> Fortunately, however, even at his advanced age he made a good recovery, and was next year almost as well as ever. But, taught by this experience, he recognised that it was time to bring his long business career to an end, and spend the remaining years of his life in comparative rest and seclusion.

Accordingly, in the year 1826, the Honourable William Fullerton Elphinstone, having reached the venerable age of eighty-five years, and after a period of nearly seventy years of service in the East India Company, gave in his

<sup>1</sup> MS. Journal of Mrs. F. Elphinstone, in Elphinstone charter-chest.

resignation to the court of directors. During that long and almost unexampled term of service his actions were stamped with the outstanding characteristics of vigour, zeal, and honesty. Starting in the humble position of midshipman he applied himself with such energy and prudence to what lay before him that his career was one long record of advancement from post to post till he attained to the dignity of a seat in the court of directors. In that assembly his regular attendance, steady application, and sound judgment, combined with the candour and justice of his decisions on the many difficult and long-disputed questions that were involved in the management of such a vast empire as India, had won him the confidence of his colleagues to such a degree that on three separate occasions he was chosen to occupy the responsible position of chairman of that administrative body. In this capacity, where argument and debate formed an integral part of the duties, and where as chairman he was frequently called upon to decide, William Elphinstone retained to a remarkable degree the goodwill and support of his colleagues in the direction, being on terms of close and personal friendship with nearly all of them; while his decisions, based on careful consideration, long experience, and sound judgment, were most highly valued and respected.

It is little to be wondered at, then, that the intimation of his retirement was received with unanimous regret by the court of directors: It called forth from that body, usually so hard to please and sparing of praise even to its own members, a testimonial which it is questionable whether it would have been granted to any other. In this document, after expressing their regret at his retirement, the court makes free acknowledgment of their appreciation of the manner in which Mr. Elphinstone had benefited the company by the long devotion of his exceptional abilities to their service.

“East India House, 22nd February 1826.

“MY DEAR SIR,—The letter with which you honoured me under date the 14th instant, I have laid before the Court of Directors this day, being the first court held since that letter reached me.

"It is impossible for the Court to permit the announcement of your intention not to offer yourself as a candidate at the ensuing election to pass with the simple expression of their regret. It is with no common feelings that the Court have received the intimation that they are to be deprived of the presence of a colleague, who during a period of 40 years has so honourably and zealously served the East India Company. I obey the unanimous request of the Court in conveying to you the assurance of their unfeigned regard, and of their earnest wish that every possible comfort may attend you at the close of a life, the greater portion of which (embracing the unexampled period of 70 years) has been devoted with talents of no ordinary description to promote the interests of the East India Company, and to advance the welfare of the inhabitants of the extensive Empire committed to their charge.

"I am persuaded that it is unnecessary for me to assure you how cordially I participate in the sentiments which, at the instance of the Court, I have the gratification to make known to you. I have the honour to be, my dear sir, your most obedient humble servant,

C. MARJORIBANKS."<sup>1</sup>

This letter is signed in the name of the court of directors by Mr. Campbell Marjoribanks, who was chairman in the year 1825.

After his retirement from the court of directors, William Elphinstone betook himself to his residence of East Lodge, Enfield, in the county of Middlesex, where he spent the remaining years of his long life; and, although he had reached the remarkable age of eighty-six before his retirement from active business, he enjoyed eight years more of life, a most unusual occurrence in one whose youth and early manhood was to a great extent spent under the scorching rays of a tropical sun.

It would be unfair to close this memoir without making at least a brief reference to Elizabeth Fullerton of Carberry, the wife of the Honourable William Elphinstone. Being of careful and studious habits, she kept a yearly journal in her own handwriting, with details of her home life, reading, travelling, etc.; and many interesting extracts might be made from these

<sup>1</sup> Original letter to the Hon. William Fullerton Elphinstone, in the Elphinstone charter-chest.

records, which extend in an unbroken series for nearly thirty years, from 1796 to 1828. Of liberal education, good taste, and keen appreciation, she read widely on various subjects, and constant references occur in her diary to the books she had been reading, with many original, intelligent and often amusing comments both on the works and their authors. Addison, Steele, Burke, Milton, and Voltaire seem to have been her favourite authors, especially the first, in the perusal of whose works she spent many a pleasant hour, while Sir Walter Scott hardly comes in for due appreciation for his *Lady of the Lake*, owing to the numerous Gaelic and local appellations contained in it, but is dismissed with the curt criticism—"Read the *Lady of the Lake*; too many Gaelic appellations in it, too local." In reference to Hogg she writes on 24th September 1813—"Read at night the *Queen's Wake*, a poem by a humble Scots shepherd poet."

Her reading also included many religious works, and she was a regular attendant at church. As she travelled much and commented freely on the various preachers she listened to, a large number of ecclesiastics come within the scope of her all too candid pen. While some she praised and others she did not hesitate to express her dissatisfaction with, a few came in for terms of the most endearing admiration. In this latter class Dr. Chalmers stands out pre-eminent, as having riveted her wandering attention by his powers of eloquence: "1817. May 25. Went to hear Dr. Chalmers preach at London Wall; very highly gratified . . . the new and striking view in which he placed Christian dutys and charity most powerful and impressive." For a time Dr. Chalmers seems to have taken a very prominent place in her reading and attention, as may be inferred from such entries as—"Nov. 19. Did not go to church—read Chalmers;" "Nov. 27. Heard from Tina, reading Chalmers at the time;" "Jan. 22. Read Chalmers on being faithful in small things—uncommonly good," and other entries of a similar nature.<sup>1</sup>

<sup>1</sup> MS. Journals of Mrs. Elizabeth Fullerton Elphinstone, in Elphinstone charter-chest.

From the many entries in her journal relating to her children, it is very evident that she was a most careful and affectionate mother to them, seeing to their comforts and training in the frequent absence of her husband. And after they had grown up to years of maturity and become scattered in various regions of the globe in the pursuit of their several professions, she had no greater happiness than to have, whenever possible, a family reunion at Carberry. Of these rare occasions she writes with the greatest fervour. In their absence she kept up a constant and affectionate correspondence with them, and notes with gratification the receipt of all their letters. With her first-born in China, her next in the navy, and her two youngest sons exposed to the fortunes of war in a foreign land, it is no wonder that she hailed with delight the arrival of letters containing news of their safety and progress. Her grief at the loss of her son Charles in the *Blenheim* in 1807 may be better imagined than described, from the occurrence of such notes as these in her diary: "1807. Read old letter of Charles with lines written on a stormy night in the Java seas;" "July 11. Had the satisfaction of hearing the *Blenheim* was seen at Madagascar; almost afraid to believe the authority on which the report has arose;" "Dec. 28. Excessively alarmed at the failure of all intelligence of my dear Charles;" "Dec. 29. Mr. E. has given up every hope." This incident, as may well be conceived, tended to increase rather than diminish her anxiety for the welfare of her children; and in 1815, on hearing that her youngest son James had been wounded and taken prisoner on the field of Quatre Bras, she was with difficulty dissuaded from setting off for the Continent to be at hand to nurse him, and was only prevented from doing so by the receipt of the news that he was now at liberty and his wound not a serious one. "1815. June 21. Anxious and unsettled—at night a letter from Ad. Malcolm telling William<sup>1</sup> was safe but James a prisoner, anxious and alarmed—up most of the night. 22. Had the merciful relief of a letter from William and a line or two from James saying

<sup>1</sup> Her third son, afterwards Major-General William Keith Elphinstone.

he was doing well ;” “ 1816. June 18. This day ought ever to awaken my gratitude to God for his mercy in preserving my William and James.”<sup>1</sup>

As the Honourable William Elphinstone was so much occupied with business at the court of directors in London, Mrs. Elphinstone had considerable leisure, which she spent to a great extent in travelling. Almost every year she made a journey through Scotland or some part of England, visiting those spots most noted for their scenery and natural productions, *e.g.*, the Lake District of Cumberland and the Trossachs in Scotland, and gives interesting notes in her journals respecting them. She also took the opportunity of paying frequent visits to her own and her husband's numerous friends and relations—the Elphinstones at Cumbernauld, the Keiths at Tulliallan, the Erskines at Cardross, the Malcolms at Burnfoot, and many others, and in return received and entertained a free flow of company during her stay at Carberry. Among her most frequent guests were Lord and Lady Keith with their daughter Margaret ; Lord and Lady Selkirk, Admiral Fleming, and Admiral Malcolm, were also frequent and favoured visitors. At one of Lady Keith's parties she met Lord Byron, whom she describes as—“ at first view ugly, but when he speaks his expression becomes handsome.” In 1822 Mrs. Elphinstone was present in Edinburgh during the visit of King George the Fourth, to which she refers in her journal :—“ 1822. Aug. 14. The forenoon waiting to see the entry of the King, which was deferred by rain ; 15. Saw the procession of the King's entry into Edinburgh, the Calton Hill and multitudes of well-dressed people most striking ; 22. Saw the King's procession to the Castle from Holyrood House.”<sup>2</sup>

Keenly though Mrs. Elphinstone enjoyed her travels, she always seems to have enjoyed even more keenly her return to her own inheritance of Carberry of which she writes in terms of the greatest pleasure and gratification. Many

<sup>1</sup> MS. Journals of Mrs. Elizabeth Fullerton Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> *Ibid.*

references occur in her journal to the pleasant life she led there with her children in their youth, and to the tranquil repose she enjoyed in its familiar confines during her old and maturer age. "1812. Oct. 30. The comfort and tranquillity of Carberry I find inexpressibly great;" and on November 6th of that year she writes:—"The delightful tranquil enjoyment I have experienced at Carberry I feel so forcibly I am unwilling to terminate it. How gratefully ought I to endeavour to thank the Almighty for the mercies I am so crowned with—William safely in my neighbourhood, the arrival of James, the comfort of letters from John, and satisfactory accounts of all connected with me, the affectionate intercourse of my two companions, the pleasure of indulging my inclination for planting, etc., and the interest the local scenery around me excites from the consideration that it is an undisturbed and lasting possession." <sup>1</sup>

These journals Mrs. Elphinstone continued to keep till a late period of her life, when her sight became so defective that she was unable to see to write with anything like comfort. The last of them bears date the year 1828, and ends with the words:—"Another year closes to the many I have seen, though from my dimness of sight and sometimes a slight confusion in my head, I am not quite so able as I used to be to enjoy being out. I have still sufficient health and strength to be thankful for, and try to be so, and for my many other blessings." She survived her husband for six years, and died at East Lodge, Enfield, on 27th May 1840, at the advanced age of eighty-two.

An incident of especial interest deserves to be recorded here before closing this memoir of the life of the Honourable William Fullerton Elphinstone. It is the purchase of the old tower of Elphinstone and the lands or Tower farm adjoining it, which had been so long out of the possession of the Elphinstone family. Built by John de Elphinstone about the middle of the thirteenth century, it remained in the possession of the direct line of the family for about two hundred years, when, after the death of Sir Alexander

<sup>1</sup> MS. Journals of Mrs. Elizabeth Fullerton Elphinstone, in Elphinstone charter-chest.

Elphinstone at Piperdean in 1435, it passed, after a protracted litigation, from the heir-male to Agnes Elphinstone, the heir-female, who was allied in marriage to Gilbert Johnstone, a younger son of Johnstone of Annandale, which family continued to hold it for nearly two centuries. After being alienated from the Elphinstone family for a period of over three hundred years, it was restored to their possession by the Honourable William Fullerton Elphinstone, who purchased it from the trustees of Sir John Callander of Westerton, Bart., in November 1813. This estate of Elphinstone Tower farm, with the old tower of Elphinstone, was a part of the old estate of Elphinstone, and is situated near the western boundary of the parish of Tranent in the shire of Haddington. It was a convenient and commendable purchase for William Elphinstone, as, besides being part of the old family possessions, it was contiguous on the north and east sides with his own estate of Carberry. The old tower of Elphinstone will be more fully described in the introduction to these volumes. The price paid by Mr. Elphinstone for the estate and tower was twenty-five thousand pounds, which was considered to be somewhat high. He bought the estate partly with the money and on the behalf of his eldest son John Fullerton Elphinstone; and accordingly on 26th October, 1815, he formally transferred it to his possession.<sup>1</sup> In one of his letters from China, Mr. John Fullerton Elphinstone writes home expressing his satisfaction that his father had bought the estate for him, and describes the purchase as "an excellent one and from its vicinity to Carberry particularly desirable."

It is worthy of special notice here that to the Honourable William Fullerton Elphinstone belongs the credit of gaining for the family of Elphinstone both their present residential seat of Carberry with its picturesque tower and grounds, and also the possession of their old tower of Elphinstone with its surrounding estate of the Tower farm. His ample fortune, acquired

<sup>1</sup> Registered Disposition and Assignation, the Honourable William Fullerton Elphinstone to John Fullerton Elphinstone, Esq., in Elphinstone charter-chest.

by years of steady and unremitting service in the Honourable East India Company, was not applied to his own personal gratification or amusement, but to the welfare of the noble family of Elphinstone, and to the assistance of those members of that family who had yet to make their way in the world. Before his death he divided his fortune among his children, as appears from an acknowledgment by his son, Colonel James Drummond Elphinstone, of the receipt of that part of his father's fortune intended for him;<sup>1</sup> and also from a clause in the will of the Honourable William Fullerton Elphinstone, stating that he had already made provision for most of his family. In his will, the remainder of his money, carefully invested, and also his property, was settled on his wife and children in such a manner as to place them at once in a position of pecuniary independence and comfort. His residence at Enfield, in the county of Middlesex, known as East Lodge, with all its appurtenances, he bequeathed to his wife Elizabeth Fullerton Elphinstone of Carberry, and after her decease to his son Colonel William Keith Elphinstone; and his town house in Harley Street, London, he gave to his eldest son John Fullerton Elphinstone, who also received Elphinstone Tower and estate, with a substantial share of his father's fortune.<sup>2</sup>

After a long and useful life the Honourable William Fullerton Elphinstone died on the 3rd of May 1834, in his ninety-fourth year,—a remarkable age for one who had been so long engaged in such active and responsible labours. Though he was not a Lord Elphinstone, he yet did more for the welfare of the family than many who had held that title. He and his next brother Keith were both younger sons of a noble family which shared the vicissitudes of other Scottish families. Both these younger brethren required to push their fortunes in the world. The proverbial solitary five-pound note intrusted to Keith for that special purpose is not traditionally recorded as applicable to William. But both of them were brilliant

<sup>1</sup> Original receipt, dated October 25th, 1820, in Elphinstone charter-chest.

<sup>2</sup> Original will of the Hon. W. F. Elphinstone, *ibid.*

examples to younger sons of families, as each in his own profession achieved ample fortunes and independence. The memoir of Lord Keith already shows what he accomplished in his great profession, and the present memoir of his elder brother also shows what his determined perseverance and steady application, combined with his natural aptitude for business, did for him. He rose progressively in the service of the East India Company from the humble post of midshipman to the most responsible, influential, and lucrative position obtainable by any of the Company's servants—a position which could be fitly occupied only by one of unique experience in Indian affairs, and of exceptional diplomatic ability and unquestioned integrity. In this position, as already shown, he corresponded with several of the most noted and able statesmen of the day, enjoyed the especial friendship and confidence of the Earl of Moira and other governors-general of India, and even received the solicitations of royalty itself. During the many years he occupied this position, his actions were characterised by such uniform integrity, discretion, and benevolence, that he was loved and respected by almost all who knew him, and probably few men in his position made more friends and fewer enemies. His great prosperity and popularity, and his high position in the commercial and political world, were not without benefit to his own kindred, nor did he ever forget the noble family to which he belonged. On the contrary, he used his influence and gave his support in every way he could for the advancement of those of his relatives who, doubtless at his suggestion, chose India as the scene of their labours. And from the numerous letters on this subject in the family charter-chest, some of which we have quoted, there remains no doubt that it was he who paved the way for the remarkable successes of his nephew Mountstuart, and later of the thirteenth Lord Elphinstone, in that country. Going out alone to that far-off land, barely equipped with the necessaries of life, and in the face of many hardships and difficulties, his diligence and perseverance were so far crowned with success, that he became the first of that brilliant trio who have made

the name of Elphinstone to be associated in such a splendid, honourable, and inseparable manner with the history of the greatest and most valued of our colonial possessions.

By the marriage of the Honourable William Elphinstone with Miss Elizabeth Fullerton, of Carstairs, there were issue four sons and three daughters :—

1. JOHN FULLERTON ELPHINSTONE of Canton, and younger of Elphinstone and Carberry. His life and correspondence with his father have been already treated of at some length in the preceding memoir, so that it is unnecessary to give more than a very brief notice of him here. After receiving a liberal education and careful training befitting his position as the eldest son of the Honourable William Fullerton Elphinstone, he received an early initiation into the mysteries of a commercial and diplomatic career. Following in the footsteps of his father, he entered the service of the East India Company, and was placed on the civil establishment at Canton, where his abilities soon brought him to the front, and he was appointed one of the select committee. From this post he wrote regularly to his parents, and a selection of his letters has already been given in the memoir of his father. On his first arrival in China, however, he was not at all enthusiastic about his position or prospects, and wrote home to his mother in the following terms :—

“Canton, February 26th, 1801.

“MY DEAR MOTHER,—Here I am at length landed in this civilised and enlightened country, where oppression is not known and where bribery is unthought of. Here all ideas are confined to a tea-chest, or should ambition operate they probably may aspire to a bale of cotton. I have hardly yet caught the noble infection ; till I do this, it is rather a disagreeable abode. However, I have no doubt I shall soon be inspired, as I can already perceive a gradual languor and inactivity coming over me, and I hope speedily to announce an entire conquest. Yours very sincerely,

J. F. ELPHINSTONE.”<sup>1</sup>

The talented ability and business capacity of William Elphinstone were to a great extent inherited by his eldest son, John Fullerton Elphinstone, so that ere long he had become thoroughly familiar with the management of the Company's trade in the far East, and met with considerable success even in dealing with such a difficult and refractory community as the Chinese merchants. The letters which he indited to his father and to the Court of Directors on this

<sup>1</sup> Original letter to Mrs. Elizabeth Fullerton Elphinstone, in Elphinstone charter-chest.

and other subjects are full of interesting and important information, the result of careful investigation and experience, and bear testimony to the clear and comprehensive nature of his knowledge combined with powers of forethought and judgment and no small diplomatic ability.<sup>1</sup> Of careful and economic habits, with a good income, and no occasion for any great outlay in that far-off and inhospitable region, John Elphinstone was soon placed in a position of pecuniary advantage, and rapidly earned enough to enable him to retire from business at a comparatively early period of life. This, however, he did not do, but having once got interested in the management of the Company's affairs, preferred to remain at his post, and use his means for the benefit of his relatives at home. He did, however, on several occasions obtain leave of absence from his duties for a period to return home and visit his parents and other relatives at Carberry, as appears from the *Ms.* journals of his mother, the Honourable Mrs. Fullerton Elphinstone. On the occasion of the marriage of his sister Clementina to Admiral Sir Pulteney Malcolm in 1809, he wrote home expressing his pleasure and satisfaction at hearing of the event, and enclosing the munificent gift of five thousand pounds for the bride. This letter will be quoted in full in the notice of Clementina Elphinstone, Lady Malcolm. It has already been shown that the old tower of Elphinstone, with the lands of the Tower farm surrounding it, was bought by his parents partly with his capital and on his behalf.

It was John Fullerton Elphinstone who, acting on the advice of his mother, the Honourable Mrs. Elphinstone, obtained the set of chessmen of Chinese ivory for presentation to Napoleon Buonaparte, and sent them to him at St. Helena, after having previously called at that island on his homeward voyage from China and making Napoleon the gift of a set of shawls of Chinese manufacture, because of the kindness of the Emperor to his brother, James Drummond Elphinstone, while a prisoner at Quatre Bras. The incident will be more fully narrated in the memoir of Colonel James Drummond Elphinstone.

By the will of his father, the Honourable William Elphinstone, John Fullerton Elphinstone received his town residence in Harley Street, Cavendish Square.<sup>2</sup> He was also possessed of landed property in the counties of Lanark and East Lothian in Scotland, and in the county of Surrey in England. His Lanarkshire estate, a purchase of his father's, was known as

<sup>1</sup> Letters in Elphinstone charter-chest.

<sup>2</sup> Original will of the Honourable William Fullerton Elphinstone, *ibid.*

Monkland ; this he authorised his executors to sell. The old tower of Elphinstone, with the lands of the Tower farm surrounding it, he bequeathed in his will to his brother, Colonel James Drummond Buller Elphinstone, who also received the residue of his estate, after the payment of many valuable legacies to his relatives, friends, and servants. Among these legacies is one of five thousand pounds to his nephew, William Elphinstone Malcolm, Esquire of Burnfoot, son of his sister Clementina Elphinstone ; and one of two thousand pounds to his nephew, John, thirteenth Lord Elphinstone. A generous and thoughtful provision in this will is one which he makes in favour of "my faithful servant, John Sue Achow," whom he had brought with him from China ; he leaves him twelve hundred pounds, and also a life annuity of one hundred pounds, whether he chose to remain in this country or return to his native land, in which case he was to be provided with "a suitable cabiu and accommodation," and due arrangements made for the payment of his annuity,—another instance of the kindness and consideration of John Elphinstone.<sup>1</sup>

After a long and useful life, mainly devoted to the service of the East India Company, John Fullerton Elphinstone died unmarried on 12th March 1854, when about seventy years of age. Gifted with much of the talent and perseverance of his father, his progress had been satisfactory and his fortune ample. Fond of business, keen-sighted and judicious, and generous to a degree, he elected rather to remain abroad as chief of the establishment at Canton in China, than to retire to the enjoyment of a life of ease and comfort at home, when his means enabled him to do so. Although he soon became possessed of independent fortune, he spent little on himself, and preferred rather to apply his money for the benefit and advancement of his friends and relatives both at home and abroad. His attention and anxiety for the welfare of his brothers and sisters was most noticeable all through his long life ; he corresponded constantly with them and with his parents, and took every opportunity of giving them both aid and advice. His kindness to his sister Clementina, and to the Malcolms of Burnfoot, has already been noticed ; his other relatives were not forgotten, and even his servants came in for a substantial share of his benevolence. At his death all connected with him would feel with regret the loss of a most generous and reliable friend.

<sup>1</sup> Official copy of the will of John Fullerton Elphinstone, dated 30th March 1851, in Elphinstone charter-chest.





2. CHARLES ELPHINSTONE, Captain in the Royal Navy. The remarkable career of Lord Keith prompted many of his relatives in the Elphinstone family to imitate his example by choosing the naval profession as the scene of their labours, with more or less successful results. Two of his nephews, Admiral Charles Elphinstone Fleming of Biggar and Cumbernauld, second son of the eleventh Lord Elphinstone, who became Admiral of the Blue and Governor of Greenwich Hospital, and Captain Charles Elphinstone, the subject of this notice, are examples of this, both entering the navy and both rising to great distinction there. It is a curious circumstance on looking at the history of the Elphinstone family to observe that within two generations, that is, in the time of the eleventh and twelfth Lords Elphinstone, no fewer than three of the family, all second sons and all bearing the same name of Charles Elphinstone, were engaged in the national service for the defence of their country, and it becomes still more striking when we note that two of these, viz. : Charles Elphinstone, second son of the tenth Lord Elphinstone, and Charles Elphinstone, second son of the Honourable William Fullerton Elphinstone, the subject of this memoir, perished at sea in their early youth by the loss of the vessels in which they were taking passage at the time—the *St. George* on 13th April 1858, and the *Blenheim* in February 1807.

Among the four sons of the Honourable William Elphinstone, all of whom were remarkable men in their respective callings, perhaps none had a more interesting career than his second son Charles. Born in 1784, he, like the other children of William Elphinstone, received a liberal education and careful home training under the capable and experienced hand of his father, with the guiding influence of his amiable and affectionate mother. At an early age, as was the case with his father and brother before him, he was initiated into the business of life, and, as already stated, chose the naval profession. Here his progress was eminently satisfactory, and his promotion rapid. Like his distinguished uncle, Lord Keith, he entered with all his energy into the work and adventure of a life at sea, and soon became both interested and experienced in no small degree in naval affairs. Animated both by enthusiasm and example, he lost no opportunity of distinguishing himself in the service of his country, and embraced the facilities at that time offered to naval officers by the disturbed condition of the European continent. His eagerness and ability soon brought him under the notice of Admiral Sir Thomas Troubridge, who took an interest in him both for his own and his father's sake. In a letter from the admiral to his father,

the Honourable William Fullerton Elphinstone, he reports very favourably of the ability and progress of his son :—

“ Penang, August 22nd.

“ Agreeable to my promise I sent your son two trips to the East, and in both you will find he has done well. This last is so much to his credit that I am sure you must be prouder of him than ever. His ability and good conduct as an officer marks him out as he rises for any arduous and difficult task government may have to perform. I have not time to say more than, I remain, my dear sir, yours most truly,

T. TROUBRIDGE.”<sup>1</sup>

The naval career of Captain Charles Elphinstone was attended with marked success, especially in his operations against the Dutch. The war with Holland at that time gave ample opportunity for the display of naval prowess, and also held out the inducement of abundant reward by prize-money. In both these respects Charles Elphinstone distinguished himself to a remarkable degree. His greatest triumph, and one which gained him the warm approval of the Admiralty and the nation, was the capture of three Dutch vessels, the *Pallas*, *Victoria*, and *Batavia*, in one day, the 26th of July 1806. In this gallant engagement, where the opposing force was much superior in strength, Captain Elphinstone was in command of *H.M.S. Greyhound*, and assisted by the *Harrier*, under Captain Troubridge. The Dutch vessels proved to be very desirable captures, being richly laden with the produce of the Moluccas. A full report of the action was sent by Captain Elphinstone to Rear-Admiral Sir Thomas Troubridge, Bart., commander-in-chief of his Majesty's fleet in the Indian seas, in which he gives a graphic yet characteristically modest account of the engagement, with full and generous acknowledgment of the assistance he received from the exemplary conduct of the subordinate officers and seamen. In his letter on the subject to the governor-in-council at Bombay Castle, the admiral writes, that “they have succeeded to my utmost wish, after a very gallant action.”<sup>2</sup> There is preserved at Carberry an oil-painting of this engagement with the Dutch vessels in the Java seas, in which Charles Elphinstone, at that time but a youth of twenty-two years of age, appeared to such advantage.<sup>3</sup> As this was the greatest and last important event in the career of Captain Charles Elphinstone, and one of which his noble relatives have

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, East India House, London, in Elphinstone charter-chest.

<sup>2</sup> Letters, *ibid.*

<sup>3</sup> Oil-painting at Carberry Tower, by Cartwright, 1825.

been and still remain justly proud, occurring the year before his early death at the loss of the *Blenheim* is 1807, it has been thought desirable to insert in his memoir the following letter, containing his own description of the engagement :—

“To the Honorable Jonathan Duncan, Esquire,  
Governor-in-Council, Bombay Castle.

“HONORABLE SIR,—Having received information that a French privateer had sailed from Batavia in April last, and that a ship of her description had been afterwards seen off Pulo Taya, I conceived it probable she might intend to cruise off Pulo Anore, for the early running ships from Bengal and Bombay to China. I therefore dispatched His Majesty's ship *Greyhound*, and *Harrier*, to Malacca, to take all the trade they could collect, and see them safe to 6th north, and not finding any enemy off Pulo Anore, or any of the adjacent islands, to return through the Sooloo Sea by an eastern route, and endeavour to intercept the Dutch spice ships ; which I am happy to say they have succeeded in to my utmost wish, after a very gallant action, as will appear by Captain Elphinstone's letter, a copy of which I have the honor to enclose. I am happy in being able, further, to acquaint you that the *Greyhound*, *Harrier*, and prizes are arrived at Port Cornwallis.—I have the honor to be, etc.,

T. TROUBRIDGE.

“His Majesty's Ship *Blenheim*,

“Port Cornwallis, 20th August 1806.”

“His Majesty Ship *Greyhound*, Java Sea, July 27th, 1806.

“SIR,—I have the honor to inform you that his Majesty's ships *Greyhound* and *Harrier*, after destroying on the 4th July, under the Fort of Manado, the Dutch Company's brig *Christiana Elisabeth*, armed with eight guns, and having a compliment of eighty men, stood across the Molucca Sea to the island of Jedova, where they captured on the 6th another of the enemy's cruisers called the *Belgia*, armed with twelve guns, and manned with thirty-two men. From thence, proceeding to the westward, it pleased Providence that, on the evening of the 25th of July, four sail of ships were descried, passing through the Straits of Saleyer. Immediate chase was given to them, and by nine I had the satisfaction of seeing them lying too, between the small Dutch ports of Bouthian and Bolacomba, at about seven miles distance from the shore. I easily made out one of them to be a frigate, and another a corvette, but the third had so much the appearance of a line of battle ship, that both Captain Troubridge and myself deemed it prudent to wait till daylight before we examined them. We accordingly lay too during the night, at two miles distance to windward. As the day broke, I had the pleasure of finding the ship which had forced us on cautionary measures was a large two-decked ship resembling an English Indiaman.

“The enemy (for they proved to be a Dutch squadron), immediately drew out in order of battle on the larboard tack, under their topsails, the frigate taking her station in the van, an armed ship astern of her, the large ship in the centre, and the corvette in the rear. Fortunately for us, the frigate, by fore-reaching upon her second astern, caused a small opening in their line. It was suggested to me by Mr. Martin, master of *H.M.S. Greyhound*, that if we could close with the enemy,

while in that position, our attack might be made to advantage. Accordingly, under French colours, we hove up as if with an intention to speak the frigate, and when within hail, all further disguise became unnecessary, we shifted our colours and commenced firing, which was instantly returned with a smartness and spirit that evinced they were fully prepared for the contest. The Harrier, who had kept close astern of the Greyhound, on seeing her engaged, bore round up, and, passing between the frigate and her seconds astern, raked them both, the latter with such effect that they bore up in succession to return her fire, thus leaving the frigate separated from them. Being resolved to avail myself of this advantage, and being anxious to be in a position for supporting the Harrier, now engaged in the centre of the enemy's line, I wore close round the frigate's bows, raking her severely while passing, and when on the starboard bows, by throwing our sails aback, we fell into the desired position. The cannonade from the Greyhound was now admirable, while that of the frigate visibly slackened, and at last, after an action of forty minutes, wholly ceased; on hailing to know if they had struck, they answered they had, and Lieutenant Home took immediate possession of her. On directing our fire at the ships astern, they all followed her example, except the corvette, who from being at the rear had suffered little from the action, and now made off towards the shore. Captain Troubridge immediately went in pursuit of her, sending at the same time a boat to take possession of the large ship, whose fire he had nearly silenced early in the action. Perceiving the corvette sailed remarkably well, and that she could shroud more canvass than the Harrier, her masts and rigging being entire, I called the latter from a chase which was likely to be fruitless.

"The prizes proved to be the Dutch Republican frigate Pallas, of 36 guns, commanded by N. S. Aalbers, a captain in the Dutch navy; the Victoria, a two-decked ship, of about eight hundred tons, commanded by Klaas Henken, senior captain in the Dutch Company's service; and the Batavia, a ship of about five hundred tons, commanded by William de Zal, a captain in the same service. Both the Company's ships are armed for the purposes of war, and richly laden with the produce of the Moluccas. The ship which escaped, I learn from our prisoners, was the Republican corvette William, carrying twenty twenty-four-pounders, and manned with 118 men.

"The support and assistance I have received from Captain Troubridge, on every other occasion (thro' a difficult and perilous navigation) I attribute to the same talents, ability, and zeal he so nobly displayed on this one.

"I feel happy in all opportunities for recommending Powis Home, first lieutenant of the Greyhound, a deserving good officer, who proved that innate courage was to be assisted by experience, and I reaped the benefit of that which he had acquired at Copenhagen by the advice and assistance which he gave me. The fire from the main-deck, and the consequences of it, is the best encomium on Lieutenants Andoe and Whitehead, but I beg leave to add that their conduct has been as good and exemplary on every other occasion. I have had cause to speak of Mr. Martin in the body of this letter, I can only add that he is a credit to the profession to which he belongs. The behaviour of the warrant officers and midshipmen was highly becoming; among the latter I beg leave to recommend Messrs. Harris, Bray, Grace, and Marjoribanks, as young officers deserving of promotion.

"The coolness, bravery, and good conduct of the petty officers and ship's company, was such as would make it tedious, difficult, and, perhaps invidious to attempt to particularise their individual merits. They have long by their excellent behaviour had a claim on my gratitude, and they now have one on my admiration: suffice it, then, to say that an enthusiastick courage reigned throughout the ship, such as, I fancy, belongs to Britons alone. . . .

"For all other particulars, I beg leave to refer you to the enclosed Reports, from the perusal of which you will perceive how much His Majesty's ships have suffered in their masts and rigging, but you will participate in the joy, which I feel, that our loss has been trifling when compared with that of the enemy.—I have the honour to remain, Sir, your most obedient and very humble servant,

"CHARLES ELPHINSTONE.

"To Sir Thomas Troubridge, Bart., Rear-Admiral of the White,  
and Commander-in-Chief of His Majesty's ships and vessels  
employed on the Indian seas, eastward of Point de Galle."<sup>1</sup>

The list of casualties which is appended to this letter in the form of a tabular report, shows, that while the British vessels only lost twelve men killed and wounded, the Dutch squadron suffered to the extent of fifty-one. The Greyhound, on which Captain Elphinstone was on board in command, seems to have borne the brunt of the battle and suffered more than her consort the Harrier, for while the latter had none killed and only three wounded, there was one killed and eight wounded on board the captain's vessel. The Dutch loss was comparatively severe. Some idea may be formed of the gallantry of Captain Elphinstone and those who served under him on this occasion, when it is remembered, in conjunction with the above list, that he had only two vessels of 32 and 18 guns respectively, with which to attack and overcome the Dutch squadron of much superior force, consisting of four armed vessels, two of which, the Pallas and William, carried 56 guns between them; and after causing them to strike their flags, brought three of them into port with him as prizes of war. It is also worthy of note that, although in command of the squadron, the youthful captain was at the time of this signal achievement but twenty-two years of age. In reading his own account of the engagement, one is attracted not only by the lucid and interesting style of the writer, but also by the fact that while modestly narrating with great brevity his own share in the engagement, he takes such pains to call attention to the part played by his subordinate officers and seamen, and to warmly recommend them

<sup>1</sup> Copy letter, Admiral Sir Thomas Troubridge, Bart., to the Honorable Jonathan Duncan, Bombay Castle, enclosing copy of Captain Elphinstone's letter to Sir Thomas Troubridge, in Elphinstone charter-chest.

to the notice of the Admiral, from which it appears that he had inherited in a marked degree his father's characteristic of doing all he could to promote the welfare of those with whom he was associated. Soon after his success, Charles Elphinstone indited a long letter to his famous relative in the naval service, his uncle Lord Keith, with full details and comment on the engagement.<sup>1</sup>

For his most serviceable and praiseworthy conduct on this occasion Captain Charles Elphinstone not only received the thanks of the Admiralty and the personal congratulations of Admiral Troubridge and other naval authorities and friends, but a presentation sword was prepared for him in the name of the nation, from the patriotic fund at Lloyds. The sword, which is still treasured in the family, is an object of considerable beauty and interest, being ornamented in a most elaborate and artistic manner, and bearing the following inscription :—

“FROM THE PATRIOTIC FUND AT LLOYDS TO CAPTAIN CHARLES  
ELPHINSTONE OF H.M.S. GREYHOUND, FOR HIS ABLE AND  
SPIRITED CO-OPERATION WITH H.M.S. SLOOP HARRIER, IN THE  
ATTACK AND CAPTURE OF AN ENEMY'S SQUADRON OF MUCH  
SUPERIOR FORCE IN THE JAVA SEAS ON THE 26TH JULY 1806,  
AS RECORDED IN THE LONDON GAZETTE, 4TH APRIL 1807.”<sup>2</sup>

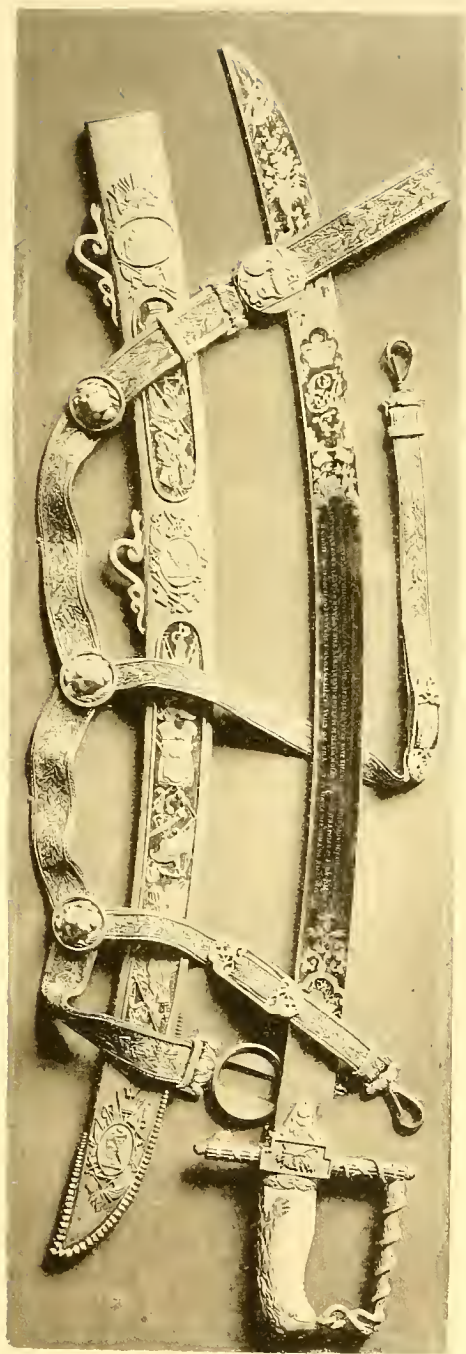
Unfortunately, however, Captain Charles Elphinstone never saw the sword thus prepared for him by his countrymen as a reward for his distinguished services, for, as will shortly be narrated, while on his passage home next year on board the *Blenheim*, that vessel was lost in a heavy gale, and foundered with all on board. A pathetic interest thus surrounds this relic, which, encased in a gilt oak frame, now adorns the walls of the residence of the present noble representative of the Elphinstone family at Carberry Tower.

In the early part of 1807, Captain Charles Elphinstone was on his passage home from India on board *H.M.S. Blenheim*, along with Admiral Sir Thomas Troubridge, and other naval officers, when that vessel was lost

<sup>1</sup> Original letter in Elphinstone charter-chest; in this letter Captain Elphinstone estimates the value of his prizes at two hundred thousand pounds sterling; according to the statement of the Dutch officers in charge

of them, however, they were worth much more, as they computed their value at seven hundred thousand pounds.

<sup>2</sup> *Vide* accompanying illustration.





in the memorable gale of that year. This melancholy incident created a great sensation in the naval world at the time, owing to the presence of so many distinguished officers and seamen on board the ill-fated vessel. First among these was Sir Thomas Troubridge, a most popular Admiral, whose death caused a wide-spread feeling of regret among his many friends and admirers in the naval service. He was accompanied by Mr. Secretary Harvey and Captains Elphinstone and Bissell with nine lieutenants, some of whom had but lately gained distinction by the successful engagement with the Dutch in the Java seas. Among the midshipmen occurs the name of George, Lord Rosehill, the eldest son of William, seventh Earl of Northesk, then only in his sixteenth year; two sons of the Duke of Clarence were also among the number. On board the Java, which accompanied the Blenheim at the time, and perished in the gale with her, were Captains Pigot and Donald, with Lieutenant Collins and a large number of seamen. The hurricane commenced on the 31st of January, and continued to rage with great severity for several days. The Blenheim was at the time off the east coast of India, in the neighbourhood of Madras, in the company of the Java, as already stated, and also of H.M.S. Harrier. During the violence of the gale the Harrier was separated from her two companions, and after driving for five days before the wind, and being compelled to throw her guns overboard to lighten her, she ultimately escaped and returned home. The last accounts of the Blenheim were obtained from those on board the Harrier. Before the parting of the vessels, the Blenheim was seen to be in a condition of great danger, and having been condemned as unseaworthy before leaving Bombay, had little chance of coping with the hurricane. She was flying signals of distress, and making eleven inches of water in the hour, though both hand-pumps were going continually day and night. After the gale had subsided nothing was to be seen either of the Blenheim or the Java, nor were they ever heard of again; the only evidence as to their fate being the fact that soon afterwards an American vessel, while off Madagascar, fell in with a great quantity of wreckage of all descriptions, and from among it picked up a spar off a topsail yard, with the topsail close-reefed fast to it, with chain and chainplates all attached, but bent and broken as if they had been torn from the sides, which was recognised as having belonged to the ill-fated Blenheim.<sup>1</sup>

An interesting circumstance in connection with Captain Charles Elphin-

<sup>1</sup> Letters in Elphinstone charter-chest.

stone is the fact that, though only about twenty-three years of age at his death, he left a will containing a full disposition of his effects. This will was prepared by him in his own handwriting, while he was at Prince of Wales Island, on 30th November 1806, only three months before the loss of the *Blenheim* in which he perished. His fortune, mainly arising from the capture of the Dutch spice ships in the Java seas, he divides among his brothers and sisters under the direction of his father, not forgetting a provision to his servant. This will is an evidence of the exceedingly cordial and affectionate relationship existing between the members of the family of the Honourable William Elphinstone and his wife Elizabeth Fullerton. No mention is made of any outside relatives, but his means are entirely devoted to the furtherance of the welfare of his own brothers and sisters, including a competence for his elder brother John, to enable him to retire from business and return home to his friends if he wished, and a sufficient sum to purchase a majority for his younger brother William, who afterwards became Major-General William Keith Elphinstone. The will is of such interest, both on account of its contents and the pathetic circumstances connected with it, as to warrant its insertion in this brief notice of the testator :—

“I, Charles Elphinstone, being in sound health both in mind and body, do hereby make the following disposal of such property as may belong to me at the time of my decease.

“I bequeath to my eldest brother, John Fullerton Elphinstone, fifteen thousand pounds sterling, to be paid from my prize money, arising from the capture of the Dutch spice ships *Victoria* and *Bativier*, and I make this bequest with the hope that it may be the means of lessening his absence from his friends and country.

“A sum sufficient for purchasing my brother William a majority in the army is to be paid him or his agents.

“The sum of four hundred pounds is to be paid to Richard Cowling, my servant, in consideration of his long services with me.

“And the remainder of my fortune (my just debts being paid) is to be divided in equal shares between my two younger brothers and my two sisters Clementina and Anne, the said division to be made by my father, when he may judge fit. And any interest that may arise from his holding the said residue of my fortune in trust for them, he is not to be accountable for. And I name him, my father, William F. Elphinstone, sole executor of this my last will. C. ELPHINSTONE.

“Prince of Wales's Island,  
November 30th, 1806.

“I have forborne from mentioning my mother in this, confidently relying that, whilst she has any children alive, her comfort will be their study.”<sup>1</sup>

<sup>1</sup> Official copy of the will of Captain Charles Elphinstone, dated Prince of Wales Island, 30th November 1806, in the Elphinstone charter-chest.

3. WILLIAM GEORGE KEITH ELPHINSTONE, C.B., K.L.W., and K.S.A., Major-General in the Army. While most of those members of the Elphinstone family who have made a name in the national services attained to that distinction by a life at sea, a few of its members, and some in high position, chose the army as the scene of their labours. Thus, as already shown, both the eleventh and twelfth Lords Elphinstone spent the best part of their lives in the military service; the former after serving and suffering with General Wolfe in Canada was rewarded by being appointed Lieutenant-Governor of Edinburgh Castle, while the latter rose to the rank of Major-General. The two younger sons of the Honourable William Fullerton Elphinstone, like their noble relatives, also determined to follow the fortunes of war; and if rapid promotion be taken as a token of ability, they in their profession must be reckoned as worthy sons of their distinguished parent.

William Keith Elphinstone, the third son of the Honourable William Elphinstone and his wife Elizabeth Fullerton, was born in the year 1782. Like his brothers John and Charles, he in turn received a liberal education, which included an English College training, as appears from a letter of his eldest brother's, in which he writes, "I hope William is still in England and that he will remain at the College for a year or two."<sup>1</sup> His choice of a profession was soon made, and at an early age he entered the army. The stirring events at that time transpiring on the continent of Europe formed a powerful inducement to the younger sons of noble families to adopt the military profession and seek fame amid the fortunes of war. The electric activity and remarkable successes of Napoleon Buonaparte over the various nationalities of Europe necessitated this country exercising its utmost energy to check his victorious career, and called forth all its available military resources.

William Keith Elphinstone entered the military service early in life as an ensign in the twenty-fourth regiment of infantry. Almost as soon as he joined the army he was told off on active service to Spain, where Sir John Moore with an army of twenty thousand men was endeavouring to deliver that country from the hands of the French, and urgently in need of reinforcements. His regiment, along with many others, arrived in October 1808 at the port of Corunna, on the north-west coast of Spain, so soon afterwards to become famous as the scene of that memorable engagement with the French under Marshal Soult, and the tragic death of Sir John Moore in the

<sup>1</sup> Original letter of John Fullerton Elphinstone, in Elphinstone charter-chest.

hour of victory. On their arrival there they had to wait many days before being allowed to disembark and commence their march to the interior, owing to the bad condition of the roads, which, never very good, were now rendered almost impassable by the continued rain. The difficulties of transport were also great, as the government supply, being quite inadequate, the officers had to provide their own horses and mules for conveying their baggage, and these could hardly be procured, and then only at exorbitant prices. So great was this obstacle that many of the officers, including William Elphinstone, had to leave a large part of their luggage behind.<sup>1</sup>

During his stay at Corunna young Elphinstone took note of the town and its inhabitants, and made several excursions into the surrounding country in search of game, etc., of which he sent home reports in his letters to his parents. Corunna he describes as a small seaport town, badly built, and not in good condition, though reckoned good by the inhabitants. The country was for the most part wild and mountainous, but in places well cultivated, and produced an excellent vintage. The Spanish peasantry, themselves wretched-looking and miserable, greatly admired the British soldiers, partly on account of their physique, but particularly because of their clean appearance. They were strong in feeling, however, and zealous in their cause against the French, to such a degree that all the men who had not families had already joined the army. William Elphinstone improved the delay at Corunna by setting himself to learn the Spanish language, which he soon mastered to a sufficient extent to converse easily with the country people,<sup>2</sup> as appears from his letters from this place, from which he wrote home regularly at short intervals, though his correspondence had mostly to be written in a tent furnished with neither chair nor table.

At last, after a long and tiresome delay, the troops had all disembarked, and by the beginning of November were ready to march. Their orders were to proceed to St. Jaga, and thence to Valladolid, with the intention of joining Sir John Moore, who was moving towards the latter place with twenty thousand men, preparatory to marching on Madrid. The Spanish army lay about three hundred miles distant, while the French occupied the country from Pamplona to Camparossa. The march was rendered very

<sup>1</sup> Original letter of W. K. Elphinstone to his mother, the Hon. Mrs. Fullerton Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Original letter, W. K. Elphinstone to his mother, the Hon. Mrs. Elphinstone, dated Corunna, October 21st, 1808, *ibid.*

difficult for the British soldiers owing to the state of the roads, and also to the scarcity of provisions, as they could not, like the Spanish troops, subsist on bread and wine while on the march.<sup>1</sup> Writing from Villa Franca on 10th December 1808, he states that they had just received orders from Sir John Moore to advance and join him as soon as possible, fifteen hundred of the cavalry under Lord Paget having already done so. The French were now advancing towards Madrid, from which news came that the people were determined to defend it to the last, and were again rising throughout the country with the intention of driving the French entirely out of it across the Pyrenees.<sup>2</sup> In his next letter, however, which is written only a week later from the town of Benavente, he reports that the French were now in possession of Madrid, in spite of the brave and persistent defence of the inhabitants, and that the ardour of the Spaniards was already cooling rapidly owing to the fact that they had no efficient army, and to the receipt of the news that Buonaparte was marching towards Portugal, and was already at the frontier town of Badajoz. Commenting on their own position, he writes, "I do not think, without some very great exertion, the Spaniards will be able to free themselves, which unless they make, all we can do will be nothing, for thirty-five thousand British troops can never deliver Spain. . . . The newspapers are not at all correct in their accounts of the affairs of Spain."<sup>3</sup>

The last letter of William Keith Elphinstone from Spain, preserved in the Elphinstone charter-chest, is dated from Sahajun, the 23rd of December 1808. In it he states that they had now joined Sir John Moore at Mayorca on the 20th, a place about ten leagues from Benavente; and narrates how, on first coming to this place in the early morning, they surprised a body of French cavalry in possession, who, warned of their approach by one of their videttes when they were just upon them, hastily fled, but were overtaken at daylight by the 13th Dragoons, about four hundred in number, who attacked them, and after killing a few, took a hundred and fifty prisoners, including sixteen officers and two lieutenant-colonels.<sup>4</sup>

Some time after the close of the campaign in Spain, William Elphinstone

<sup>1</sup> Original letter, W. K. Elphinstone to his father, dated Corunna, 25th October 1808, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

<sup>3</sup> Original letter, W. K. Elphinstone to

his father, dated Benavente, 18th December 1808, *ibid.*

<sup>4</sup> Original letter, W. K. Elphinstone to his father, dated Sahajun, 23rd December 1808, *ibid.*

was ordered on military service to the West India Islands, where he was stationed for a while at Barbadoes and then at Guadeloupe. On his arrival there, as a result of his usual observant habits, he wrote to his father and mother giving an account of the islands, and stating that he was very comfortably situated there. Barbadoes he describes as very flat, with little wood upon it, but highly cultivated, and of the inhabitants he speaks very highly. An extract from his letters on this subject may be given here :—

“Everybody is very civil, and invitations very frequent to dinners. I was very much pleased with a visit I made with General Wallis to a Mr. Brathwaite’s estate, about ten miles from this place. We there saw the process of making the sugar and rum, and had a specimen of West India farming. . . . One thing I admired was the care taken of the negro children ; an old woman was appointed whose business was to feed them twice a day while their mothers are employed in the fields, and to take care of them.” . . .

“My regiment is at Guadeloupe, and as there is no field officer there, I shall command it. . . . General Maclean, the quarter-master general here, has been very civil to me. He says he knows you ; he was long in the same regiment with Lord Elphinstone. There is a Mr. Cantry in one of the regiments here and upon the staff, who called on me the day after I arrived, and inquired how you was, saying you had been very kind to him in some business he had before the court of directors. . . . He is very well thought of here,” etc.<sup>1</sup>

He returned from the West Indies some months later, arriving at Plymouth on 26th May 1812.<sup>2</sup>

It is impossible here to enter into detail respecting the military career of William Keith Elphinstone. Aided by his own ability and talents, combined with a love for the military service, and assisted by the kind provision of his brother Charles, whereby he was enabled to purchase a majority, his promotion in the army was exceptionally rapid, so that, by 1815, the year of the battle of Waterloo, he had risen to the rank of lieutenant-colonel. Special notice must be taken of the prominent part he took in that memorable engagement, where he held the responsible position of lieutenant-colonel in command of the Duke of Wellington’s own regiment, the thirty-third foot. He received this appointment in 1813, the year after his return from the West Indies, and took part with his regiment in the engagement at Antwerp and at the storming of Bergen-op-Zoom, at which latter place he was wounded, but not seriously. On receiving this wound, which included the fracture of a small bone, he returned for a short interval to this country,

<sup>1</sup> Original letters of W. K. Elphinstone, dated Barbadoes, 31st January 1812, in Elphinstone charter-chest.

<sup>2</sup> Original letters, *ibid.*

residing with his father at his town residence in Upper Harley Street, London. His injury, however, though severe, was not dangerous, and he very soon returned to the Continent, once more to take command of his regiment and join in the stirring events occurring there. During his short stay in London he received many letters from his friends, who were very solicitous for his welfare, including one from his brother in the army, Colonel James Drummond Elphinstone, in which he writes :—

“La Bastide, St. Pierre, near Montauban,  
“1st May 1814.

“MY DEAR WILLIAM,—I am quite happy to have such a good account of your wound as what you give me in your letter of the 23rd March ; the small bone, I am told, will soon unite. You were very unfortunate in being hit after having succeeded to the command of the column, tho', as things turned out, perhaps you should be considered as lucky. I had a letter yesterday from Clements asking after you, [etc.]—Believe me, my dear William, your affectionate

“JAS. D. ELPHINSTONE.”<sup>1</sup>

Both William Keith Elphinstone and his brother James Drummond Elphinstone were present at the battle of Quatre Bras, fought two days previous to Waterloo. At this engagement William Elphinstone, as lieutenant-colonel, commanded the thirty-third regiment ; before the commencement of the action he summoned before him the officers in command of the respective companies, and exhorted them to address and encourage their men to do their best for the service of their country. The effect of this was to create a general enthusiasm throughout the troops, combined with a devotion to their officers, which carried them in such a splendid manner through the hard-fought fray which was soon to follow.

The following night—the eve of Waterloo—while the wearied troops were seeking rest from the fatigue of Quatre Bras and the march which followed, to invigorate them for the supreme effort of the morrow, word was brought to Colonel Elphinstone that his brother James had been wounded and taken prisoner during a charge of his regiment, the 7th Hussars, at Genappe. As may be imagined, the receipt of this news was the occasion of great grief to William Elphinstone. Fortunately, however, on making particular inquiry into the matter, he learned that the wound was not serious, and that the prisoner had been well treated by the Emperor Napoleon, before whom he was brought. He immediately wrote home to his parents giving details of the incident, and soon afterwards was able to

<sup>1</sup> Original letter in Elphinstone charter-chest.

assure them that the prisoner had escaped in the confusion of the French retreat. The circumstances connected with this incident will be more fully detailed in the memoir of Colonel James Drummond Elphinstone.

It was at the ever-memorable engagement of Waterloo, the great battle of the century, that William Keith Elphinstone achieved his greatest triumph. At the beginning of the fight he was in command of the thirty-third, the Duke of Wellington's own regiment. As the day advanced, and troop after troop of the finest cavalry of Europe hurled themselves in succession against the unbreakable squares of British infantry, the Duke gave the word of command for the several regiments to concentrate in preparation for a grand simultaneous advance of the whole British army. By this time nearly all the regiments had suffered to a severe extent, the thirty-third being reduced by more than a third of its men. The brigade of which it formed a part was under the command of Major-General Sir Colin Halket; but before proceeding far, the General of the Division, Sir Charles Alten, was severely wounded, and had to be removed from the field, and Sir Colin took his place. The command then devolved upon Lieutenant-Colonel Elphinstone, who had the distinguished honour of leading the whole Fifth Brigade in this memorable advance. It was in this capacity, and while leading his men against the hitherto invincible legions of Napoleon, amid a perfect storm of artillery, that he gave utterance to those words, the importance of which at that critical moment can hardly be overrated. Seeing his men beginning to waver under the terrible slaughter effected by the enemy's cannonade, he rose in his stirrups, sword in hand, and pointing at the enemy, shouted:—"Come on, my brave fellows, let us die like Britons, sword in hand, or conquer!"<sup>1</sup>

For his noble and distinguished services at this great battle, William Keith Elphinstone was rewarded by being created a Commander of the Bath. A brief reference to his letters in connection with this engagement cannot fail to be of interest from a historical standpoint. Writing to his father on 23rd June 1815, just five days after the battle, he says:—

"MY DEAR FATHER,—I have not had an opportunity of writing since my letter of the 19th, telling you of James's escape. . . . As to the action of the 18th, I will not attempt to give you any account of it, as you must before this time have had the dispatch. The Duke of W[ellington] says it was as hard a fought one as ever

<sup>1</sup> *Vide* "Personal Recollections of the Waterloo Campaign," by Lieutenant Frederick Hope Pattison, who then served under Lieutenant-Colonel Elphinstone.

he saw. We have lost a number of officers: I am at present commanding the Brigade to which our regiment belonged, it is now very weak, but increasing every day. . . . The French must have left all their artillery; 135 pieces were taken by us, and, it is said, with those taken by the Prussians, he has lost about 220. Napoleon must have made great exertions to have formed his army, as all their appointments were marked with the Eagle. I do not think we shall have a great deal more to do. I should think his great reliance was on the result of the 18th—they fought well. I have lost all my baggage; it was sent to the rear on the 16th, and, we hear, was plundered by the Belgians. I have still hopes some of mine may be safe. I lost my black mare;<sup>1</sup> she was so unquiet that I sent her to the rear on the 18th by a drummer, from whom she was seized by a Brunswick hussar [etc.].

“Give my love to my mother and sisters, and believe me, my dear father, yours most affectionately,  
W. K. E.”<sup>2</sup>

From this letter it appears that, although Lieutenant-Colonel Elphinstone had taken a very prominent part in the winning of this great victory, he had suffered no small amount of personal hardship in the loss both of his baggage and his favourite horse, through the carelessness of his servants. Fortunately, however, as stated in his subsequent letters, he himself escaped without a scratch, and both his baggage and his mare were soon afterwards recovered.

A few days later, on June 28th, he writes from the village of Cressy that they had been constantly advancing since the 18th, meeting with nothing like opposition. From all accounts, it appeared that Napoleon's grand army was quite disorganised, numbers having deserted and returned home. An envoy had come to meet the Duke of Wellington with proposals from the Senate. This letter concludes with the words:—“The general opinion here is, that the business will soon be at an end. This [Cressy] is the famous village of Edward Third.”<sup>3</sup>

His next communication, dated from Paris, is particularly interesting, as it gives a number of details in reference to the battle and the after-movements

<sup>1</sup> The black mare here referred to was a favourite animal with the young Elphinstones. It was taken to Spain in 1813 by Captain James Drummond Elphinstone of the 7th Hussars, and went through the whole of that campaign with him. It was ridden by his brother, Lieutenant-Colonel William Keith Elphinstone, both at Quatre Bras and Waterloo, at which latter engagement it was wounded and lost, as above narrated, but

fortunately was afterwards recovered and brought back to this country, where, after spending the remainder of her days in peace and plenty, the brave mare died many years afterwards, in 1839, at East Lodge, Enfield.

<sup>2</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

<sup>3</sup> Original letter to the Honourable W. F. Elphinstone, *ibid.*

of the British army, from one who was so well qualified to speak on this subject as Lieutenant-Colonel Elphinstone. His modesty, however, prevented him from giving due prominence to the noble and distinguished part he had played in the engagement ; and any details of this had to be drawn from him by the repeated inquiries of relatives and friends in their letters to him. In this letter, however, he gives some account of the extent to which his regiment had suffered :—

“Paris, July 23rd, 1815.

“MY DEAR FATHER,—I received your letter from East Lodge yesterday. You ask me about my regiment. I wrote to Clementina a short time ago, and told her that the account she heard of its loss had been rather exaggerated. On the morning after the action there certainly were not more than 80 or thereabouts in the field. But numbers of them went to the rear with the wounded, many of whom, indeed the most of them, did not return. Besides, we had a good many sick, who have since joined, so that we are now much stronger. We have in all in this country, including sick, wounded, and missing, 526, of whom about 250 are fit for duty. On the 17th, we were not engaged at all. They behaved very well on the 16th ; in my opinion, they might have been steadier. We suffered a good deal on that day. The command of the Brigade devolved upon me before the close of the action of the 18th, upon Sir Colin Halkett being called to the command of the division when Sir Charles Alten was wounded.

“I had a letter from James a few days ago. He then talked of setting out to-morrow or next day, when he said he was sure he would be equal to any journey. I trust he will be with you and recover rapidly. He is in good hands at Brussels, with F. Adam, who has a good quarter, and would take every care of him. Pulteney will arrange his embarkation. His wounds have been more serious than was at first thought, but I hope there is no further cause of alarm on his account.

“The Duke of Wellington’s army is to be received to-morrow at ten o’clock by the Emperor of Russia in Paris. . . . I suppose, as we hear Bonaparte is taken, the army behind the Loire will all submit quietly, and then I should think the whole armies will not be kept here. We are still encamped near Paris in the Bois de Boulogne.

“The mare you sent me has arrived : I like her, she seems hardy and useful. I have also found the black one ; she was discovered by a man of the regiment at Brussels.

“Give my love to my mother and sisters, and believe me, my dear father, yours most affectionately,  
W. K. E.”<sup>1</sup>

In a letter to his mother, the Honourable Mrs. Fullerton Elphinstone, written about the same time from Paris, he states that they are still encamped in the Bois de Boulogne, and an English Brigade is now in the town, bivouacked in the Champs Elysées. On their arrival, the National

<sup>1</sup> Original letter to the Honourable W. F. Elphinstone, in Elphinstone charter-chest.

Guards and many of the people seemed in a state of great perturbation, and showed no desire to assume the white cockade. All the barriers were given up to the British. The Tricolour flag was still flying in Paris. There was no evidence of any general feeling in favour of the Bourbons. On the 7th of July, the Prussian army marched through the capital, and it was expected that the British would do the same, but for some unexplained reason they did not. This letter finishes rather abruptly with the statement that "the Prussian cavalry are at this moment marching through the town, I must therefore conclude, having a great wish to see them."<sup>1</sup>

Many more interesting extracts might be given from the correspondence of Lieutenant-Colonel Elphinstone at this exciting epoch, but there is not space for further detail in this brief memoir of him. In August of that year, he writes that among the latest arrivals in Paris was the Lady Elphinstone, whom, naturally, he was very pleased to see, with her son, the thirteenth Lord Elphinstone, at that time a boy of eight years of age, and afterwards the famous Governor successively of Madras and Bombay. He is described by Lieutenant-Colonel Elphinstone as a "very fine boy."<sup>2</sup>

The subsequent career of William Keith Elphinstone may be briefly dealt with. As already indicated, his distinguished services at Waterloo received fitting recognition by his being shortly afterwards created a Commander of the Bath. At a subsequent period, he received the distinction of the Order of St. Wilhelm of Holland. Following the decisive victory of Waterloo, and the subjugation of the Emperor Napoleon, there came a period of grateful peace to this country and to Europe in general, after the blast of war had so long resounded throughout the Continent. Opportunities of distinction were not now, however, so frequently offered to those engaged in the national services, and promotion was not readily obtained. Lieutenant-Colonel Elphinstone still remained in the army, and his long and creditable connection with it was further rewarded by his being raised to the responsible rank of Major-General in the year 1837.

From his home correspondence, we learn that William Keith Elphinstone was regarded with great affection by his relatives, and especially those of his own family circle, whom he remembered in his military travels by sending them gifts and curios from many lands. A man of conspicuous bravery and great personal amiability, he was held in respect and admiration by his

<sup>1</sup> Original letter, dated Paris, 8th July 1815, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid*.

subordinates, and formed many friends among his compeers in the national service.

The saddest part of his life, however, still remains to be told. In the year 1838, he was selected by the Commander-in-Chief, then Lord Hill, to proceed to India and take command of the British army in the Presidency of Bengal, in succession to General Ramsay. General Elphinstone was then nearly sixty years of age, and enfeebled by long and active service in the army. At this juncture the troubles in Afghanistan became so serious, that it was necessary rapidly to organise a large force to proceed to that country, suppress the rebellion that broke out there in the year 1841, and punish the rebels for their murderous treachery. Major-General William Keith Elphinstone was thereupon appointed to the command of the expedition, which was ordered to advance. His short residence in India, however, combined with a severe attack of gout, had so undermined his constitution and broken his health, that he felt himself quite incapable of entering on this active and responsible service, and he intimated this to his superiors. Owing, perhaps, partly to the urgency of the occasion, and also partly to their confidence in Major-General Elphinstone from his former creditable service in the army, his resignation was not accepted. Compelled, therefore, by a sense of duty, though much against his inclination, as he felt totally unfit for the task, General Elphinstone proceeded to Afghanistan.

It is quite impossible here to treat, in anything like a fair and comprehensive manner, of the details of this expedition. The main events of it are now matter of general history and do not require to be recapitulated. But inasmuch as the conduct of General Elphinstone in regard to it has long been the subject of much difference of opinion, it is only fair to his memory to give a brief account of his connection with it. There is preserved in the Elphinstone charter-chest a folio of MS. letters and papers on this subject, including his own account of the campaign, written very shortly before his death, to do justice to which would require a special work instead of a small print chapter in the general history of his ancient and distinguished race. While disclaiming any intention of adequate or comprehensive treatment of such an important and widely interesting subject, the following letters are worthy of consideration.

As already indicated, the health of the General, which had been in a critical state at the commencement of the campaign, was further enfeebled by a severe attack of fever immediately on his arrival at Cabul in 1841. As no improve-

ment occurred, but, on the contrary, he felt himself getting progressively weaker, he again applied for relief from active service, but the severity of his condition does not seem to have been realised at headquarters. The following letter from the surgeon in medical charge of the 54th Regiment at Cabul, gives some idea of his condition at this time:—

“26th July 1841.

“General Elphinstone has been very seriously ill ever since his arrival here. His malady (the gout) attacked him in all his limbs, making a perfect wreck of him. I saw him a short time since, and very much astonished I was at the very great alteration in his appearance. He is reduced to a perfect skeleton, and in a very low and desponding condition, totally incapable, I feel assured, of giving any attention to any affair, howsoever important. In fact, in my humble opinion, his constitution is shattered beyond redemption.

“I have since heard that he has sent in his resignation.”<sup>1</sup>

On writing to his friend and superior officer, General Fitzroy Somerset, who afterwards became Lord Raglan, and commanded the British army in the Crimea in 1854, giving an account of his state of health, he received the following letter in reply, which shows that though eminently friendly to General Elphinstone he did not realise the gravity of his condition:—

“Horse Guards, November 3rd, 1841.

“MY DEAR ELPHINSTONE,—I received by the last mail your letter of the 4th of August, by which I am grieved to hear that you have suffered so much from illness since your arrival at Cabul, that you apprehend you would be ordered by a Medical Board to return home. This is greatly to be lamented, since it appears you like your command, and that you discharge the duties of it to the perfect satisfaction of those with whom you are associated, and are greatly respected and esteemed. I trust the change of climate will set you up, and we shall have the pleasure of seeing you on your return in good health.

“As I suppose you will be on the move, I shall direct this to the care of Sir Thomas Macmahon [etc.]—Yours very faithfully, FITZROY SOMERSET.”<sup>2</sup>

Address: “The General Elphinstone.”

From subsequent letters it appears that although General Elphinstone sent in his resignation, the communication with India having been for the time suspended, he could obtain no reply; and found himself in his enfeebled condition called upon to face a situation which would have taxed the diplomacy and generalship of a Wellington. The melancholy details of the expedition are only too well known. Overwhelmed by force of numbers, surrounded by crafty and treacherous enemies, and unsupported, if not actually thwarted, by those on whom he ought to have been able to place

<sup>1</sup> Copy letter of Surgeon Edward Campbell, in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

reliance in that hour of intense and heartfelt need, General Elphinstone struggled on in the attempt to bring the remains of his expedition to a place of safety. Although so weak that he required to be lifted on to his horse, he did not hesitate to incur any personal risk in trusting himself to parley with the enemy, if he thought thereby to give his wearied soldiers a greater chance of safety. But at length, overcome by weakness, oppressed by the severity of the weather, and harassed to the utmost by the cruel treachery of his murderous foes, his shattered health gave way entirely, and he died on duty in that inhospitable region. His death occurred on 23rd April 1842, in the sixty-first year of his age; and his remains, after being conveyed to the camp at Jellalabad, were interred there on the evening of the 30th April, with the military honour due to his high rank of Major-General.<sup>1</sup>

As may readily be imagined, the sad news of his death was received with the greatest sorrow by his numerous friends and relations both at home and in the army, which was the more severe because, as is usual on such occasions, reports became current on insufficient data by which the non-success of the whole expedition was attributed to some neglect on the part of the officer in command. After what has been already stated in regard to the condition and conduct of General Elphinstone, it is unnecessary further to comment on this, but we shall only present the following very brief selection from the numerous letters on the subject preserved in the Elphinstone charter-chest, and which plainly tell their own story.

The first quoted is a letter from Mr. Princeps, member of council at Calcutta, to General Churchill. It proceeds :—

“MY DEAR GENERAL CHURCHILL,—I return Major Pottinger’s letter to Colonel Elphiustone. Not only Major P., but every other officer who was with General Elphiustone at Kabuul and in the retreat, bears the same testimony to his worth. His faults were those of illness and infirmity, which made it necessary for him to rely on others who failed him in the hour of need, if they did not thwart and counteract him. General Elphiustone will, I think, come most honourably out of the ordeal.—Yours very sincerely,  
H. W. PRINCEPS.”<sup>2</sup>

The next letter bears a similar testimony to the fortitude and endurance of General Elphinstone, under the overwhelming difficulties which he had to encounter.

<sup>1</sup> Original letter, from Major-General Pollok, in command of the troops at Jellalabad, to the Right Honourable Lord Elphinstone, Gover-

nor of Madras, dated Jellalabad camp, 30th April 1842, in Elphinstone charter-chest.

<sup>2</sup> Copy letter, *ibid.*

"Castle Melund, August 20th, 1842.

"MY DEAR ELPHINSTONE,— . . . By all his friends his loss will be long deplored. But certainly there is a very great consolation in knowing that justice will be done to the memory of one who, I truly believe, was as gallant a soldier as we had in the service; and of one who has shown an example of patience and fortitude under accumulated suffering, such as few would have been able to sustain so long. Believe me, ever sincerely yours,

M. ROBBINS."<sup>1</sup>

Among the many important and influential persons in public position who were interested in General Elphinstone and sent communications to his friends assuring them of their sympathy on the occasion of his death, and reliance on his character and conduct as a man and as a soldier, it will be sufficient here to cite only a very few. The first of these is from the pen of George Villiers, K.G., G.C.B., the fourth Earl of Clarendon, who held the office of Lord Privy Seal from 1839-41, and was at the same time chancellor of the duchy of Lancaster, and who at a later date became Secretary of State for foreign affairs. He refers in his letter to the memorandum on the subject of the Afghan campaign, which was written by that accomplished author and statesman, Mountstuart Elphinstone. The letter is very expressive of his friendship and confidence in General Elphinstone, and his desire to see justice done to his name.

"G. C., Sunday Night.

"MY DEAR ELPHI.,—I return the papers and have marked with pencil those passages in your brother's memorandum which might with advantage, as it strikes me, be embodied in Mr. Mountstuart Elphinstone's memorandum. I think they would render General Elphinstone's justification more complete, and with that object I am still of opinion that something more should be said respecting Brigadier Skelton's unwillingness to co-operate with General E., and the difficulty or rather the impossibility of disregarding his opinions, General E. being incapacitated from acting himself and having called on Skelton, his second in command, in order to supply his place. All this may make the memorandum somewhat longer, but that cannot signify, as it will only be given to those interested in the truth and the vindication of your brother's fame, [etc.].—Yours affectionately,

"CLARENDON."<sup>2</sup>

Another letter of a similar nature, from the hand of John Loch, an Indian statesman of great ability and judgment, and on several occasions chairman of the East India Company, is too important to be passed over. It is as follows :—

"MY DEAR ELPHINSTONE,—The paper signed by your brother has been read in secret court. Pray apply to Lord Fitzgerald for it. It is extremely interesting,

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid*.

and places many circumstances in a new light and favourable to your brother's judgment and conduct. Excuse very great haste,—Yours sincerely,

“JOHN LOCH.”<sup>1</sup>

Among the numerous friends and acquaintances of Major-General William Keith Elphinstone in the army, were not a few who afterwards rose to great distinction in the military service. These officers naturally extended their sympathy to the relatives of the General on the occasion of his death, and many of them of their own free will bear testimony to his admirable qualities of courage and endurance. The following communication from Henry Havelock, whose conduct at a later date in connection with the Indian Mutiny has given him an honourable place in the list of Britain's heroes, is worth recording here. The letter is addressed to Colonel Buller Elphinstone, the General's younger brother :—

“Camp, Jellalabad, April 26th, 1842.

“MY DEAR COLONEL,—I had scarcely dispatched my letter of yesterday to your address when Captain Mackenzie, a very gallant and intelligent officer of the Madras army, came in on his parole from the Eastern Ghiljee hills, and communicated to us the melancholy intelligence that our highly esteemed and respected commander in Afghanistan, your amiable and most kind brother, General Elphinstone, has died in his captivity on the 23rd. The Affghans are sending in his remains, which will of course be interred with every mark of respect within the fortress of Jellalabad. Fatigue of body and anxiety of mind consequent upon events, and the General's forced removal from Bedyabad to the fort further in the interior appear to have been the proximate causes of death. I mentioned before how much the General had been enfeebled by his long illness in Cabool, and the climate of Afghanistan appears to have been always particularly hostile to his constitution.

“Captain Mackenzie is an officer of superior attainments and sound judgement, and it is gratifying to hear his opinion that the sad disasters at Cabool were owing to causes over which the General could have had no control. The enquiries which will be instituted will, however, elucidate these painful matters. Few men have died in India during my experience of twenty years, who will be followed to the tomb by a greater amount of private regard and regret than General Elphinstone.

“Though personally unknown to his lordship, I have determined to write . . . to the Governor of Madras. . . .

“Kindly command me in every way in which I can be useful, and believe me,—  
Very sincerely yours, H. HAVELOCK.”<sup>2</sup>

This letter pays a most gratifying tribute to the amiability and many good personal qualities of General Elphinstone, and plainly shows the

<sup>1</sup> Original letter in Elphinstone charter-chest.

<sup>2</sup> Original letter, *ibid.*

esteem with which he was regarded by men of such judgment and ability as Henry Havelock. On the same day he wrote, as mentioned in the letter above quoted, to Lord Elphinstone, the General's nephew, who was at that time Governor of the Presidency of Madras, in the following terms:—

“Camp, Jellalabad, April 26th, 1842.

“DEAR LORD ELPHINSTONE,—I trust that your knowledge of my brother and the situation which I held for some time with General Elphinstone will apologize for my venturing to intrude with a few lines without the advantage of personal introduction to your Lordship—the occasion will also, I hope, plead my excuse.

“Yesterday evening Captain Mackenzie of the Madras army, whom I believe you know, came into our camp on two days' parole from the Affghans . . . and brought us the melancholy intelligence that our late most respected and esteemed commander, your honored relative General W. K. Elphinstone, expired in a fort beyond Tezeen, almost in the level of perpetual snow, on the 23rd instant. . . . You are aware that at Cabool he had barely survived such an attack of rheumatic gout as few men ever recovered from. It had left him in the last stage of bodily weakness, and he was very slowly recovering strength when the terrible crisis arose at Cabool. It is most gratifying to the feelings of those who knew and were attached to General Elphinstone, and many in this camp were, and certainly myself amongst the number, to hear the high terms in which Captain Mackenzie, himself a most gallant person, speaks of the personal intrepidity displayed by the General in the numerous attacks at Cabool, notwithstanding the dreadful physical disadvantages under which he laboured. Inquiry will doubtless be instituted, which will develop the true causes of our failure and disasters at the Affghan capital and in the retreat from it; but I feel confident that the result will be the rescue of the General's name and memory from much of the obloquy which has been heaped upon it by ignorant and unthinking persons. . . .—Believe me, etc.

“HENRY HAVELOCK.”<sup>1</sup>

It may suffice to conclude this very brief selection from the voluminous correspondence on the subject of Major-General Elphinstone and the Afghan campaign, by the quotation of the following letter, which gives in a short and concise, yet lucid manner, the essence of the subject. It is of special importance and interest, being written from Cabool by a member of the staff—the General's own aide-de-camp, who was left there as a hostage on the departure of the troops on their homeward march:—

“Cabool, 14th June 1842.

“MY DEAR SIR,—Having been on the Staff as aide-de-camp to Major-General Elphinstone, I trust you will excuse my troubling you with this, as I consider it a duty I owe to his memory, and in gratitude for his kindness to me on every occasion, to put you in possession, as far as I am able, of his position as General

<sup>1</sup> Copy letter in Elphinstone charter-chest.

commanding at this place. You must be aware that during the whole of his residence here he was suffering extreme bodily pain, and was by his illness almost constantly confined to his room and often to his bed, until finding that his health would not permit him to perform his duty in such a manner as he felt himself called upon to do, he requested Government to relieve him, and had it not been that all communication with India was cut off before his arrangements could be completed, he would have left Afghanistan, before the most unexpected rebellion of this city broke out. That unfortunately, however, rendered it impossible for him to resign, and he found himself obliged to retain a situation which would have been one of difficulty to anybody, but to him in his then state of health was peculiarly so.

"The force under his command, besieged in a very weak cantonment by at least ten times their numbers, became soon worn out by constant duty, great cold, and want of provisions, and cut off from all hope of succour, latterly was much dispirited, while the enemy were daily becoming more confident and more numerous.

"My principal object in writing is in the hope that you will not, before an inquiry takes place, put any trust in the various reports that have crept into the newspapers, which are written by people who cannot be aware of all the circumstances of the case.

"Having been left here as a hostage on the departure of the troops, I regret that it is not in my power to inform you what took place between the period of the force leaving Cabool, and the General's falling through treachery into the hands of the enemy, but Captain Mackenzie, who was with him the whole time, has promised to communicate fully with you. I will merely add that the General met his fate with perfect resignation, and apparently without any pain, deeply and sincerely regretted by every one who had the honor of knowing him.

"Allow me, my dear Sir, to assure you that this is the first opportunity that has occurred of writing, or I should not have delayed, and to remain,—Yours very faithfully,

JAMES T. AIREY."<sup>1</sup>

As already stated, no attempt has been made in this place to deal in a comprehensive or exhaustive manner with the subject of General Elphinstone and the Afghan campaign. But the foregoing brief selection of letters has been quoted only as indicative of what might be written on the subject from the collection of papers preserved in the Elphinstone charter-chest, and also in the hope that these laudatory expressions and evidence from highly competent witnesses may assist in removing the serious misapprehensions which have been allowed silently to rest upon the otherwise unsullied fame of General William Keith Elphinstone.

<sup>1</sup> Original letter in Elphinstone charter-chest.





LIEUTENANT-COLONEL JAMES DRUMMOND BULLER FULLERTON ELPHINSTONE,  
THIRD OF CARBERRY AND ELPHINSTONE, AND FATHER OF WILLIAM,  
FIFTEENTH LORD ELPHINSTONE.

DIANA MARIA CLAVERING, HIS FIRST WIFE.

ANNA MARIA BULLER, HIS SECOND WIFE.

1788—1857.

JAMES DRUMMOND ELPHINSTONE was the fourth and youngest son of the Honourable William Elphinstone, Director and sometime Chairman of the East India Company, and Elizabeth Fullerton, heiress of Carberry, and the grandson of Charles, tenth Lord Elphinstone. Although he and his father were both younger sons, his son William Buller Fullerton Elphinstone was destined, on the failure of nearer heirs, to succeed to the Elphinstone peerage as fifteenth Lord Elphinstone and to carry on the succession in the main line. On this account it is proper to give some record of his life in continuation of the memoir of his father, the Honourable William Elphinstone.

James Drummond Elphinstone was born on 4th May 1788.<sup>1</sup> It does not appear where he received his elementary education. He attended the school at Harrow with his brother William between the years 1801 and 1804.<sup>2</sup> When he was sixteen years of age and before he had determined on the profession he was to follow, he attended for a time the military college at Marlow in Buckinghamshire.<sup>3</sup> A series of letters which he wrote from this place in the year 1804 is preserved in the Elphinstone collections. His parents at the time resided at East Lodge, Enfield, and the letters are for the most part addressed to that place. In some of them

<sup>1</sup> Register of Births in Bible at Carberry Tower.

<sup>2</sup> His mother's journals in Elphinstone charter-chest.

<sup>3</sup> This college was in 1812 transferred to Sandhurst in Kent.

there are glimpses of college life in this military institution at the time, as appears from the following excerpt:—

“I did not go to the races, you may tell William, as I do not care about them. We had a very sumptuous dinner called the Gaudy at Magdalen College. We had a fine long Latin speech, and after dinner grace chanted. We had to drink out of a golden cup and stand up when the one next you drank.”<sup>1</sup>

Another matter is referred to in the letters of James Drummond Elphinstone which shows his college life at Marlow in a somewhat different aspect. That festival hid from view for the time a spirit of insubordination then smouldering in the breasts of many of the students, but which found vent about a fortnight after. A mutiny took place in the college. James Elphinstone did not join in it; and happily a timely discovery of it prevented serious consequences, as the plans of the mutineers were both daring and dangerous. The story of the mutiny is told in the following letter:—

“DEAR MOTHER,—I am sorry to tell you that a very serious mutiny was discovered in the college. They have discovered about 10 as yet, but they think there are about 30. The boys were first to have set fire to a hayrick which most likely would have set the town on fire. Then, when the people about the college were engaged about the fire, the mutineers were to run to the hall w[h]ere the arms are and [to have] secured as many guns and swords as they should want, loaded with ball, and to draw up in battle array and demand certain terms. With (*sic*) the arms they did not want were to be thrown into a pond; then they were to run into the college and break all the furniture. . . . It was to break out this night about 7 o'clock. All that are discovered are in irons in different rooms with [a] strong guard over them. The good boys are on guard always, but now a stronger guard like soldiers. I have heard some people say that the college will be given up. A board was held all yesterday—Colonel Butler and General ———, and others.”<sup>2</sup>

It appears that gunpowder was actually placed under the hayrick ready

<sup>1</sup> Letter to his mother, the Honourable Mrs. Elphinstone, dated 2nd August [1804], in Elphinstone charter-chest.

<sup>2</sup> Letter, James Drummond Elphinstone to his mother, dated Marlow, 19th August [1804], *ibid.*

for firing it, and guns and swords were also thrown into the pond. The measures taken by the authorities to put down the mutiny were at first insufficient, as it "broke out again on Sunday about 8 o'clock." On this occasion several boys coming from Windsor quarrelled with the gatekeeper, and drew their swords and broke them, one of them declaring he did not care how much blood was shed. James Elphinstone believed that a hundred boys had now joined the mutiny.<sup>1</sup>

The occasion of this outbreak of the youthful members of Marlow College was after all nothing very serious. Some of the boys were, in the judgment of the mutineers, promoted to the rank of sergeant too soon, and particularly the son of a local baronet, who on this account was subjected to the sarcasm of his companions, wittily, although probably unjustly, expressed in the couplet—

"For pheasants, partridges, and hares,  
Three marks upon his arm he wears."<sup>2</sup>

Those who engaged in the mutiny were expelled from the military college at Marlow.<sup>3</sup>

Meantime, James Drummond Elphinstone was exercised about the question of what profession he was to follow. His father, who had for a considerable time been a director, and was now in 1804 just appointed chairman of the East India Company, wished him to go to India. His mother was, on the other hand, against his going there. He himself could not say that he cared for a mercantile life.<sup>4</sup>

Nearly a month after the date of the letter just quoted he wrote to his father, "I wish very much to know if you can obtain the China appointment for me; if you can get it, pray write to me. Do not the court allow two

<sup>1</sup> Letter, James Drummond Elphinstone, to his mother, dated Marlow, 19th August [1804], in Elphinstone charter-chest.

<sup>2</sup> Letter without date, bearing post-mark 28th August 1804, *ibid.*

<sup>3</sup> Letter to his mother, dated 19th September [1804], *ibid.*

<sup>4</sup> Letter, without date, bearing post-mark 28th August 1804, *ibid.*

brothers to go to China.”<sup>1</sup> The reference at the end of this quotation is to his eldest brother John Fullerton Elphinstone, who was one of the select committee at Canton and afterwards chief of the factories there.

James Drummond Elphinstone received the appointment in China to which he alludes. He was to be employed on the civil establishment of the East India Company, and to be stationed at Canton under John, his brother. The presence there of his brother may have been a strong inducement for him to accept of this appointment. He sailed from Portsmouth for Madras on 24th April 1805 in H.M.S. *Greyhound*, commanded by his elder brother, Captain Charles Elphinstone.

James Drummond Elphinstone remained in China only for a few years. The climate proved unfavourable to his health, and he found it necessary to return to this country. His residence in China during these years was not eventful, and only a few circumstances fall to be noticed with reference to it.

About a year after his arrival at Canton he makes the following brief reference to his experience of the Chinese. He writes :—

“I have said nothing about Canton, which is a place and on earth, and that is all we see of the city. The Hong merchants, that is to say the Chinese merchants, invite us very often to their plays and dinners in the Chinese style, which always ends in making the Europeans sick, at least those who eat ; and the play, which is acting all dinner-time, never fails in leaving you a most dreadful headach, as the gong is going all the time, with other instruments just as bad. The tumbling is the only good part about them, and that certainly is very good.”<sup>2</sup>

A few months later Mr. Elphinstone was witness to a fray between a large number of Chinese and a small party of British sailors, in which the latter were victorious. A conflict like this was certain to be made the subject of formal complaint by the Chinese authorities, and thus to have

<sup>1</sup> Undated letter, bearing post-mark 23rd September 1804, in Elphinstone charter-chest.

<sup>2</sup> Letter to his mother, dated Canton, 31st December 1806, *ibid.*

more importance given it than really belonged to it. There would be wounded national pride to satisfy, as well as reparation to be made for any actual injury done.

The story of the fray will be best told in the words of Mr. Elphinstone, who admits that he had to resist the temptation to join with his countrymen in punishing the Chinese. He writes an account of it in a letter to his mother from Canton, on 29th April 1807 :—

“Our troubles this season have been very great in consequence of an unfortunate accident which happened when the liberty men from the *Neptune* were in Canton. The Chinese plunder the sailors of everything they have in a very short time, as the first thing the seamen do is to get quite drunk. One of the sailors stole an handkerchief, as they say. But I saw the man with it on the end of his stick, therefore I think he would have given it back to the man. This brought on a general battle on the key [quay], and tho’ not above twenty English sailors, and half of them drunk, they beat and drove above two hundred cowardly Chinese from the key [quay]. Nobody could have enjoyed seeing my friends the Chinese get a thrashing more than I did, and had once a very great inclination to join the sailors to punish them for former offences, tho’ at the time I did not think it would be attended with such serious consequences as it has been.

“You will have all the particulars from my father, who will see the whole proceedings. It is therefore only necessary for me to add that nobody could of [have] behaved better than Captain Buchanan and his officers. I say this, as I think it very likely he will be found fault with by many.”<sup>1</sup>

James Drummond Elphinstone returned home from China in 1809. His mother, in her Journal, under date 17th May of that year, writes of the good accounts she then had of the health of her two sons, John and James. The health of the latter, however, had broken down soon after the letters she refers to had been despatched from China. On 8th September the Honourable Mrs. Elphinstone again refers to her son James, and mentions that

<sup>1</sup> Letter, in Elphinstone charter-chest. In another communication to his mother James Elphinstone writes—“I have just seen the pictures of my father, Clementina, and Nanny; the two latter I think bad and not

like, but my father I think a very excellent one, and very like him.” [Letter, dated Canton, 5th January 1808, in Elphinstone charter-chest.]

she had that day had the happiness of receiving him to dinner, and how thankful she was for his preservation.<sup>1</sup>

From a mercantile life, which he never seems to have liked, James Drummond Elphinstone now turned to the military profession, which at this time afforded considerable scope for distinction to an aspiring officer. His leaving China was naturally an occasion of some grief to his elder brother John, who had hoped to see him develop into a successful master-merchant under his hand, and to this end had bestowed much care and attention on him during his short residence in Canton. Seeing, however, that James inclined rather to the sword than to the pen, he accepted his leaving with resignation, and wished him all success in the profession which lay nearest his heart. In a letter to his father from Canton on 14th December 1810, soon after James's return to Scotland, John Elphinstone writes as follows :—

"I trust James is really become a soldier heart and soul, and then perhaps he will not regret his change, and we may have no cause to regret it. From the tenor of your letter and my mother's I conceived that you wished to see him. He did not appear particularly to dislike China; on the contrary, I thought he was so happily associated with the young men of his own standing, that he rather liked it. I thought therefore his quitting this service would be your act, not his own. The army is a rising profession in England, and in these unsettled times perhaps as good a profession as any other. . . . All that we have to wish is that he will never regret the change."<sup>2</sup>

He was now about the age of twenty-one years. He joined the regiment of Seventh Hussars. This was probably in 1810,<sup>3</sup> the year after his return from China. In the beginning of 1812 he was gazetted a lieutenant of the regiment.<sup>4</sup> In a letter to his brother John, in Canton, written from Dublin

<sup>1</sup> Journals in Elphinstone charter-chest.

<sup>2</sup> Original letter of J. F. Elphinstone to his father, the Hon. W. F. Elphinstone, *ibid.*

<sup>3</sup> In the Journal of Mrs. Elphinstone the following entry probably refers to him joining his regiment. "[1810] July 8, James set out for Dublin."

<sup>4</sup> His brother, William Keith Elphin-

stone, writing to his mother on 31st January 1812, says :—"I see by the Gazette the promotion of an officer of James' regiment, which I hope will give him a lieutenancy;" and on February 12th he again writes to her, "I was happy to see by the Gazette that James has at length got his lieutenancy." [Letters in Elphinstone charter-chest.]

on 14th March 1812, he furnishes a few particulars about himself and his regiment. He says :—

“The 7th are still in Ireland, but not in Dublin, much to the sorrow of many of the officers. It does not signify for me, as I am at present on Lord Forbes’ staff, which duty, the little I have seen of [it], I like very much. He is to be stationed at Cork, for which place he will set out in a few days. I would rather he had remained in Dublin, as I have been here so long I know all the people. Pulteney Malcolm tried to get some general on service to take me as an aid-de-camp, but could not succeed.”<sup>1</sup>

Active service on the continent of Europe was in store for James Elphinstone in the immediate future rather than continuance in Ireland. Wellington had begun the campaign of 1813 in the Peninsular war. Great Britain was invoking the nations of Europe against the interests of France, and every endeavour was being made to crush Napoleon, whose misfortunes in Russia already presaged his fall. The French army was routed on 21st June at Vittoria. While these events were transpiring the Seventh Hussars were ordered to Spain.

Before taking his departure for the continent Mr. Elphinstone visited his parents in London. On 13th July the Honourable Mrs. Elphinstone, his mother, entered in her Journal the statement,—“Heard the 7th are ordered for service,”<sup>2</sup> and on 5th August she again made the entry,—“James dined, and left us at night, and next day marched from Knightsbridge for Spain.”<sup>3</sup>

By the middle of August James Elphinstone was at Petersfield, from whence he wrote to his mother informing her of the exact date of his departure. He says—

“We shall go into Portsmouth and embark on Tuesday. . . . I intend sending up to you my watch-chain and seals, as they take up so much room, and I have a long steel chain which will answer better than my short gold one.”<sup>4</sup>

<sup>1</sup> Letter in Elphinstone charter-chest.

<sup>2</sup> Journals, *ibid.*

<sup>3</sup> Journals, *ibid.*

<sup>4</sup> Undated letter, with post-mark bearing date 16th August 1813, *ibid.*

His regiment arrived at Portsmouth on the 17th, and embarked all their horses on board the brig William in the course of the day.<sup>1</sup> On the 20th they were under way off the Isle of Wight.<sup>2</sup> On 16th September James Elphinstone wrote a letter to his brother William acquainting him of his arrival in Spain. The voyage had extended over three weeks. The *Magician*, a frigate of thirty-six guns, was commissioned to convoy the transport in which the Seventh Hussars sailed. Captain Gordon, who commanded the frigate, gave James Elphinstone and some other officers a passage in it. This was more pleasant and comfortable than sailing in the transport. His letter was written from Bilbao, the chief city of the province of Biscay, and a seaport, and proceeds—

“After a pretty good passage we arrived at this place, and landed all the horses, my three looking very well. The regiment lost about sixteen owing to the heat of the weather on board a ship. I was so fortunate as to get on board the *Magician* frigate with your friend Captain Gordon. Colonel Harison and Lowther were also on board, which made it very pleasant.

“We are to be brigaded with the 10th and 15th. . . . It is reported we are to march immediately towards Catalonia.”<sup>3</sup>

Two weeks passed after the writing of this letter without marching orders being issued to the troops at Bilbao. Marching at this time would have been trying, as the weather was very hot. Although James Elphinstone was now in Spain, he was not on the scene of actual warfare. He, however, had abundant ocular demonstration of the conflict then raging between France and the allied powers. Reference is made in his letter to the surrender of San Sebastian, which occurred on 9th September 1813. The loss in killed and wounded during the siege and at the taking of the town was enormous. Numerous wounded men were sent to Bilbao. Many of the churches had to be converted into hospitals, while others of them

<sup>1</sup> Letter to his mother, 17th [August 1813], in Elphinstone charter-chest.

<sup>2</sup> Letter to his mother, 20th [August 1813], *ibid.*

<sup>3</sup> Letter, dated 16th September [1813], *ibid.*

were used as dépôts. Bilbao and the surrounding country had suffered not a little from the French army. Spain was of the Roman Catholic religion, but it was observable that at this time it exhibited little of the show and parade of that religion. James Elphinstone, who took notice of this, tries to account for it. He says it was "owing, perhaps, to the French having plundered and burnt many of the churches."<sup>1</sup>

To ensure the downfall of Napoleon, Britain lavishly bestowed vast sums of money upon the European nations. But it is well known that the government neglected to replenish the military chests of its own army which was earning such glory for Britain by its deeds of valour. The pay of the forces in the field was in consequence largely in arrear. James Elphinstone writes that "in all probability I shall not receive any pay for 8 or 9 months to come."<sup>2</sup>

While James Elphinstone was at Bilbao marching orders were received, and the regiment, on 7th October, proceeded to Duranga, another town in the province of Biscay. From Duranga the Seventh Hussars marched to Olite, situated in the neighbouring province of Navarre, where they arrived on the 18th October, the march having occupied eleven days.<sup>3</sup> From Duranga, James Elphinstone wrote that as everything in the progress of the war seemed to be going on so well, he supposed he should before long be in France. He also wrote that everything had gone on well with himself and his horses. In the same letter he refers to home matters. He writes, "The purchase of Elphinstone will certainly be a great addition to Carberry estate, in consequence of which, I suppose, you will be induced to carry your plan of building into effect."<sup>4</sup>

In travelling south-eastward to Olite, the Seventh Hussars had to pass

<sup>1</sup> Letter to his mother from Bilbao, dated 22nd September 1813, in Elphinstone character-chest.

<sup>2</sup> Letter to his father, dated Bilbao, 30th September 1813, *ibid.*

<sup>3</sup> Memoranda holograph of James Elphinstone, *ibid.*

<sup>4</sup> Letter to his father, dated Olite, 18th and 20th October 1813, *ibid.*

Pamplona on the way, one of the great frontier fortresses in Spain then still in the hands of the French. The latter, as previously noticed, had already surrendered San Sebastian, another great frontier fortress. Pamplona now alone remained to them. It was, however, invested, and its garrison reduced to great straits for want of food. The Seventh Hussars were sent to a village in the neighbourhood of Pamplona to watch the garrison.<sup>1</sup> An intercepted letter from the French showed that they intended leaving the place on 26th October,<sup>2</sup> but they did not do so until five days later. Cassan, who was in command of the fortress, on 31st October surrendered his forces as prisoners of war.

On 2nd November 1813, James Elphinstone was at Baunza. In a letter he wrote to his mother from this place he tells her what he saw of Pamplona. He says—

“I wrote last week from Olite, three days after which Pamplona surrendered, upon which we marched and passed so near it, that I had an opportunity of seeing what is considered, I believe, one of the finest cities in Spain. It appeared quite deserted, but in perfect repair. We are now nearly in the Pyrenees, but how we shall get on is well known, as forage is very scarce, and a good deal of snow on the hills.

“I suppose William is at home at present for to join his new regiment? We are now (one squadron) in a village about 5 leagues N.N.W. of Pamplona, and well.”<sup>3</sup>

Lieutenant Elphinstone had now for some time been located at various villages at the foot of the Pyrenees, the natural boundary between France and Spain. The impression he formed of this mountain range may be here noted. Writing to his sister, Anne Elphinstone, on 9th December, he says on this and another subject—

“I fear I have nothing to tell you that is entertaining, for here we are living in a small village about eight miles from Pamplona. I was much pleased in going to the front by passing thro’ the Pyrenees, whose grandness far exceeded any idea

<sup>1</sup> Memoranda holograph of James Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Letter to his father, dated Olite, 18th October 1813, *ibid.*

<sup>3</sup> Letter, *ibid.*

I could have formed. I had a letter from Clementina not long ago. She says any music I can collect for Margaret will be acceptable. Should you be writing to Plymouth, say I have not be[en] so fortunate as to meet with any musical person. Indeed I do not think I have heard an instrument since I have been in the country, excepting the organs in and the bells on the tops of the churches, which they are constantly ringing.”<sup>1</sup>

When the year closed Lieutenant Elphinstone was doing outpost duty in France, which he found to be not unpleasant, although rather cold work. When the following year commenced he received intimation that he had been gazetted captain of a troop in room of Captain Roberts, who had resigned. So far back as November, Lieutenant Elphinstone had been negotiating with Captain Roberts for the purchase of the troop, and he had sent different letters to his father on the subject. The sum named as the price of the commission was £3280, and he asked his father to arrange the purchase upon the arrival of Captain Roberts in England.<sup>2</sup> Upon receiving word of his promotion, he expressed his surprise in a letter to his mother that the matter had been settled so soon. His fear, he said, now was that he would be ordered home to the dépôt, which he hoped would not come about. He also hoped that upon the arrival of Lord Dalhousie, who was on his way from London to Spain, he would be placed upon his staff.<sup>3</sup> There were rumours of peace prospects. Captain Elphinstone, however, realising that the concluding of peace might lead to his being placed upon half-pay, did not relish the prospect.<sup>4</sup>

On 7th January 1814 Captain Elphinstone was engaged with his regiment in a slight skirmish with the French.<sup>5</sup> The battle of Orthes was fought on 27th February between Wellington and Soult, when the latter was defeated and compelled to retreat upon St. Sever, and the former was wounded in the thigh. The Seventh Hussars took part in this battle.

<sup>1</sup> Letter in Elphinstone charter-chest.

<sup>2</sup> Letters, *ibid.*

<sup>3</sup> Letter, dated 24th January 1814, *ibid.*

<sup>4</sup> Letter to his mother, dated 24th January 1814, *ibid.*

<sup>5</sup> Letter to his father, dated 7th January 1814, *ibid.*

Captain Elphinstone had now an offer to be placed on the staff in Spain in the capacity of an extra aide-de-camp. The offer, which he received on 11th March, came from Lord Dalhousie, who commanded the Seventh Division in the Peninsula. Captain Elphinstone, who had been so anxious for a position on the Staff, did not find himself in circumstances to accept it when it was now placed within his reach, as three of the captains of his regiment were absent, and a fourth could therefore not be spared.<sup>1</sup>

The battle of Toulouse was fought on 10th April 1814. Two squadrons of the Seventh Hussars were ordered there in preparation for the battle. Captain Elphinstone went with them, but it does not appear that they took any part in the engagement. In a letter to his sister written from Grizolles, four leagues from Toulouse, on 14th April, Captain Elphinstone describes the circumstances in which the news of peace arrived; and also, referring to the great loss of life which took place on the battlefield, shows how it might have been avoided. He says—

“We yesterday morning at this place were rather hurried by a report coming in from our picquet that the enemy were advancing on us. However, it proved to be them merely escorting the officers in to us with the news of peace, to the great joy of the inhabitants. Fortunate would it have been, had it arrived two days sooner, to have saved the lives of many fine fellows who fell at the attack on the position occupied by the enemy above Toulouse. I fear our loss on that day was rather heavy, perhaps partly owing to the Spaniards giving way. However, all the heights were carried before evening by the English, and the next night the French left Toulouse, when Lord Wellington entered and was received as the deliverer of France. I suppose we shall be at home in about two months.”<sup>2</sup>

In the last week of April, Wellington's army was all in quarters on the west of the Garonne. Soult's forces, which were small, occupied the other side of the river. Captain Elphinstone was himself living in an old house in Bastide, St. Pierre, near Montauban. His troop was also in good quarters.<sup>3</sup>

<sup>1</sup> Letter to his father, dated Villeneuve, 12th March 1814, in Elphinstone charter-chest.

<sup>2</sup> Letter, *ibid.*

<sup>3</sup> Letter to his father, dated Bastide, St. Pierre, near Montauban, 25th April 1814, *ibid.*

He intended to apply for leave of absence to visit Montpelier, but, learning that Lord Keith was at Bordeaux, and that Admiral Malcolm, his brother-in-law, was preparing for the embarkation of troops for America, he changed his mind, and resolved to visit them.<sup>1</sup> His regiment was about to march to Cherbourg, and he got an arrangement made to join it in ten days. Joining Lord Keith at Bordeaux, Captain Elphinstone sailed with him in the *Royal Oak*<sup>2</sup> from there to see Admiral Malcolm off with his fleet for America.

Captain Elphinstone was not much longer delayed in France. He soon afterwards sailed for England, and was able to visit his home on 16th June 1814. His regiment was probably located at Brighton, as appears from an undated letter written from there in the course of the year.<sup>3</sup>

From the diary kept by his mother it is apparent that Captain Elphinstone was able to make frequent visits to his parents, both in London and at East Lodge, until the spring of 1815.<sup>4</sup>

The continuance of peace, however, was not of long duration, and Captain Elphinstone had another campaign of active service before him. Napoleon secretly left the shores of Elba, the place of his exile, with his guard, in seven small vessels, and set sail for France. The news quickly spread and startled the whole of Europe. Napoleon employed all his marvellous powers of organisation, as well as all his art of evoking enthusiasm in his cause, and soon had 125,000 effective troops in the field. His plan of operations was to attack and to expel the British and Prussian forces from Belgium, secure the Rhine frontier, and carry the war out of France.

Wellington proceeded without delay to Belgium, and the war again began, which this time was to culminate in the sanguinary battle of Waterloo and the irretrievable overthrow of Napoleon and the First Empire.

<sup>1</sup> Letter to his brother, Lieutenant-Colonel William Elphinstone, dated Royal Oak, Verdun Roads, 27th May 1814, in Elphinstone charter-chest.

<sup>2</sup> Letter to his mother, dated Royal Oak, Verdun Roads, 29th May 1814, *ibid.*

<sup>3</sup> Letter to his father from Brighton Barracks, undated, *ibid.*

<sup>4</sup> Diary, *ibid.*

The regiment of Captain Elphinstone was ordered to the seat of war. He visited his parents on 1st April and remained with them until the 5th,<sup>1</sup> when he left to embark for France.

The fleet in which Captain Elphinstone sailed arrived at Ostend on Friday, 21st April, having left Dover the previous morning. Orders were waiting the regiment to march on the day of arrival towards Ghent, where they were to remain some days.<sup>2</sup> The letters of Captain Elphinstone to the close of the month of May chiefly contain reports of what was transpiring from rumours which he had no means of verifying, and do not call for any special notice.

On 15th June 1815, Napoleon crossed the Belgian frontier. The British forces were then at Brussels, and those of the Prussians were at Ligny, which was several miles nearer to the frontier. Wellington, upon receiving intimation of the direction taken by Napoleon, advanced his army early the next morning towards Quatre Bras, twenty miles distant, and there encountered the French under Marshal Ney, whom he repulsed. Napoleon, who had a larger force than Ney, however, defeated the Prussians at Ligny. In consequence of the defeat of the Prussians, Wellington fell back upon Waterloo.

One column of Wellington's retreating army passed through Genappe. The French closely followed and pressed upon their rear. The British brought their artillery into play to check the progress of the French. Before they had all passed out of Genappe the Seventh Hussars captured some of the French Lancers. Lord Uxbridge then ordered the Hussars to charge the enemy. The Lancers, supported by the Cuirassiers, lowered their lances and met the advancing Hussars. Upon the failure of the first charge the Hussars, after re-forming, made a second valorous but again unsuccessful charge. They suffered considerable loss, but were able to retire in good order. The

<sup>1</sup> Diary of the Honourable Mrs. F. Elphinstone, in Elphinstone charter-chest.

<sup>2</sup> Letter to his mother, dated Ostend, Friday 21st [April 1815], *ibid.*

Life Guards thereupon charged the enemy, broke their ranks, rode them down and drove them in the utmost confusion into Genappe. This skirmishing took place on 17th June 1815, the day before the battle of Waterloo.<sup>1</sup>

Captain Elphinstone took part with his regiment in the charge upon the French Lancers and Cuirassiers, which has just been described. Riding at the head of his troop, which he led in the charge, he dashed in among the foe. He was, however, wounded in the bridle arm and breast by a lance; and was unhorsed, and taken prisoner. Captain Elphinstone was conducted to the Emperor Napoleon, who endeavoured to learn from him the position of several of the British regiments. The Captain, aware that the position of the regiments was subject to continual alteration, and that the information he was able to impart was therefore of no value, informed the Emperor where he had last seen them. Napoleon pressed him as to the position of the Scots Greys. But upon Captain Elphinstone giving his reply, Monsieur de Flahault, Napoleon's aide-de-camp, interrupted him, saying, "You know that is not the case, sir; how dare you answer the Emperor so?" Napoleon, however, was much more courteous and considerate to his captive than his aide-de-camp, for he checked Flahault, reminding him that Captain Elphinstone was wounded and a prisoner. The Emperor also sent for his own surgeon to attend upon the Captain and dress his wounds. Further, seeing him faint from loss of blood, he sent him a silver goblet full of wine from his own canteen.<sup>2</sup>

After his interview with Napoleon, Captain Elphinstone was sent to the rear with some other prisoners, and confined with them in the loft of a house in Genappe. Although a prisoner, he was treated with the consideration due to his rank as a British officer.

<sup>1</sup> The War in the Peninsula and Wellington's Campaigns in France and Belgium, by H. R. Clinton, 3rd Edition, pp. 396-7.

Helena, by Barry E. O'Meara, 5th edition, vol. ii. p. 118. Personal Recollections of the Waterloo Campaign, privately printed, 1870, by Lieutenant Frederick Hope Pattison, pp. 19-20.

<sup>2</sup> Napoleon in Exile; or a Voice from St.

The following day, when the French hastily evacuated Genappe, at the approach of the British cavalry, Captain Elphinstone and the other prisoners had to be left behind. The officer in charge of him bade him adieu, calling aloud to him from the foot of the stair, "*Mon Capitaine, je vous souhaite bon soir.*"<sup>1</sup>

When Captain Elphinstone was missed, it was feared he was killed. His brother, Lieutenant-Colonel William Keith Elphinstone, writing from Waterloo the day after the battle, gives an account of how Captain Elphinstone's condition was discovered. He relates that he had just seen a dragoon of the Seventh Regiment, who the day before had seen the Captain a prisoner and wounded, but able to walk. The dragoon had also met an officer who had been with Captain Elphinstone the day before, and who told him he was in a house in the village of Genappe. With this clew, Colonel Elphinstone was soon able to find his brother the Captain. A short letter from the latter, apparently written at that meeting, may here be given.

"MY DEAR FATHER,—I am doing very well—going to Brussels with Fred. Adam.  
Ever your affectionate, JAS. D. ELPHINSTONE.

"I have been requested by Captain Harry, to tell you, if you know Sir Hew Dalrymple, to let him know his son is doing well."<sup>2</sup>

Captain Elphinstone went to Brussels as soon as he was able, and he was sufficiently recovered when there to furnish his father with a more particular account of himself in the following letter :—

"Brussels, Thursday.

"MY DEAR FATHER,—I hope the first accounts of my being wounded you had by William's letter. I am now doing very well in the same house with Fred., who is also very well. His was a ball in the leg : mine a lance in my left arm and breast. I was

<sup>1</sup> Personal Recollections of the Waterloo Campaign, privately printed, 1870, by Lieutenant Frederick Hope Pattison, pp. 19-20.

<sup>2</sup> Undated letter in Elphinstone charter-

chest. Colonel Elphinstone wrote to his father, informing him about Captain Elphinstone's condition, on the other side of the page of the letter from the Captain.

struck with such force that I was knocked out of the saddle, and soon afterwards fell. When taken and carried before Bonaparte, who questioned as to our force, etc., I was then obliged to give my parole not to serve till exchanged, being unable to march with the other prisoners. I was left in a house in the village of Genapp, with a guard. However, when the French retreated, my guard left us also. William has been very lucky in not being hit. All his regiment, as I believe most others, are cut up very much. Remember me to all, and believe me ever, your affectionate,

“J. D. ELPHINSTONE.”

“I fear you will hardly be able to read this, as I have but the use of the one hand at present.

“To the Honourable W. Elphinstone, Upper Harley Street, Cavendish Square, London.”<sup>1</sup>

With the battle of Waterloo the war with France ended. Napoleon, who at first fled to Paris, afterwards proceeded to Rochefort, and there surrendered himself to the captain of a British man-of-war. He was subsequently sent to St. Helena, a lonely island in the Atlantic.

The kindness and humanity of Napoleon to Captain Elphinstone when his prisoner of war at Genappe were not forgotten by the Elphinstone family, and they were anxious for a suitable opportunity to show their sense of it. John Fullerton Elphinstone, the eldest brother of Captain James Elphinstone, and who was resident at China, on occasions of his visits to England, had sometimes called at St. Helena. Now that Napoleon was a prisoner there, it was thought that John Elphinstone might convey some small token of gratitude to the emperor. As related in the notice of him in these pages, John Elphinstone carried some silk shawls from China, which were duly presented to Napoleon. While there, however, he learned that Napoleon had a wish to possess a set of chessmen. He accordingly gave orders to have a set made in China and forwarded. The Journal of Barry E. O'Meara, the surgeon of Napoleon at St. Helena, furnishes

<sup>1</sup> Letter in Elphinstone charter-chest.

the following account of the reception of the set of chessmen by the emperor—

“9th [July 1817].—Some packages and cases, containing a superb set of chessmen and table, two magnificent carved ivory work-baskets, and a set of ivory counters and box, all of Chinese manufacture, sent to Count Bertrand for Napoleon. They were accompanied by a letter stating that they had been made by order of the Hon. Mr. Elphinstone, for the purpose of being presented to the distinguished personage whose initials they bore, as a mark of the gratitude entertained by the donor for the extraordinary humanity displayed by him, which was the means of saving the life of a beloved brother.”<sup>1</sup>

This graceful act, which reflects so much credit upon the Elphinstone family, did not end here. Sir Hudson Lowe, who was the guardian of the emperor, objected to the chessmen on the ground that they, as he alleged, were all crowned with imperial crowns. The Journal of Barry E. O'Meara, in recording the objection taken, proceeds—

“A letter from Sir Hudson Lowe also came with them, stating that when he had promised Count Bertrand a day or two before that they should be sent, he was little aware that on opening them he should have discovered something so objectionable, and which, according to the letter of his instructions, ought to prevent their being sent. It appeared that on the presents was engraved the letter N, surmounted by a crown, which His Excellency esteemed to be highly objectionable and dangerous. Captain Heaviside, who had brought them from China, on having obtained permission to visit Longwood, soon after his arrival, was ordered by the governor to maintain a strict silence on the subject to all the French. In the evening Napoleon looked at those articles, which he greatly admired, and signified his intention to send the work-baskets to the Empress Marie Louise, the box of counters to his mother, the chessmen and superb table to his son.”<sup>2</sup>

Count Bertrand, acting upon the instructions of Napoleon, protested to Sir Hudson Lowe against the objection taken to the presents, as a restriction placed upon the Emperor not warranted by any regulation then in force. The

<sup>1</sup> Napoleon in Exile, or a Voice from St. Helena, by Barry E. O'Meara, 5th edition, vol. ii. pp. 117, 118.

<sup>2</sup>*Ibid.* vol. ii. pp. 118, 119.

letter of the Count to Sir Hudson Lowe, containing this vigorous protest, is, however, too long for insertion here.

From these letters it appears that Napoleon received and retained in his possession the set of chessmen and other articles presented to him by Mr. Elphinstone.

At the close of the war, M. de Flahault was a refugee in this country, and, it is interesting to add, during his residence in London, became intimate with the family of Lord Keith, so nearly related to Captain Elphinstone, and married his lordship's eldest daughter, the first cousin of the captain. Through this connection the latter and Monsieur de Flahault afterwards became fast friends.

Captain Elphinstone returned from Brussels in the end of July, 1815. His mother, who went to London to meet him, has the entry in her diary, under date 30th of that month,—“Had the happiness of receiving James.”<sup>1</sup> Captain Elphinstone soon after this joined the Scots Fusilier Guards, but he did not long remain in connection with the army, as he was previous to 1820 retired with the rank of Lieutenant-Colonel. After this there is little of interest to relate about him. His father, William Fullerton Elphinstone of Carberry, died at East Lodge on 3rd May, 1834. Lieutenant-Colonel Elphinstone intimated the event to his cousin, the Honourable Mountstuart Elphinstone in the following terms:—

“MY DEAR MOUNTSTUART,—My father expired at 8 o'clock this morning without the least apparent suffering. My mother was quite prepared for the event and has borne the intelligence as well as could be expected.—Very affectionately,

“JAS. D. B. ELPHINSTONE.

“East Lodge, Saturday evening.

“The Honourable M. Elphinstone, Albany, London.”<sup>2</sup>

Lieutenant-Colonel Elphinstone's mother, the Honourable Mrs. Elizabeth Fullerton Elphinstone of Carberry, died six years later, on 27th May 1840.

On 30th September 1820, Lieutenant-Colonel Elphinstone married Diana Maria Clavering, the only daughter of Charles John Clavering. Several legal

<sup>1</sup> Journals in Elphinstone charter-chest.

<sup>2</sup> Letter, *ibid.*

instruments were entered into before the marriage, in reference to the fortune of the parties. But these do not now require notice.

Mrs. Diana Maria Elphinstone died at Hastings on 24th December 1821, little more than a year after her marriage,<sup>1</sup> leaving no children.

Lieutenant-Colonel Elphinstone married secondly Anna Maria, only child of Admiral Sir Edward Buller, Baronet, M.P., of Trenant Park, Cornwall, on 25th February 1824.<sup>2</sup> He received royal licence to assume the additional surname of Buller, and to bear the arms of Buller quarterly with those of Elphinstone.<sup>3</sup>

Sir Edward Buller died on 15th April 1824. His last will and testament bears date, 25th March 1824. He devised to his wife, Dame Gertrude Buller all his lands except what he had then recently settled on his daughter on her marriage, during her life; and, if his daughter survived him, he devised to her and her heirs for ever, all his real estate after the decease of his wife.<sup>4</sup>

Lieutenant-Colonel Elphinstone died at Carberry on 8th March 1857, and his remains were interred in the family vault at the parish church of Inveresk, in the county of Edinburgh. His last will and testament is dated 15th July 1854. The will narrates the terms of the settlement bearing date 27th January 1824 made in contemplation of the marriage of Lieutenant-Colonel Elphinstone and Miss Buller which shows that certain hereditaments at Trenant in Cornwall were settled by Sir Edward Buller, Baronet, in favour of Lieutenant-Colonel Elphinstone and his wife for their successive lives. Thereafter they were to the use of the sons of their marriage successively in tail male with remainder to the first and other daughters of

<sup>1</sup> Inscription on small Bible at Carberry Tower as follows:—"James D. Elphinstone, Clifton, April 1821. Given to him by Diana Maria, his wife, who was born June 8th, 1801: married, September 30th, 1820; and died Monday, 24th December 1821, at Hastings."

<sup>2</sup> Inscription on Bible at Carberry as

follows:—"James Drummond Elphinstone and Anna Maria Buller, married at Duloe Church, Cornwall, by the Rev. John Wood, on the 25th of February 1824."

<sup>3</sup> Original Licence, superscribed by the King, dated 30th January 1824, in Elphinstone charter-chest.

<sup>4</sup> Covenant, dated 12th August 1825, *ibid.*

the marriage successively in tail with reversion to the heirs of Sir Edward Buller. The testator states that his wife had been long since dead. In the remainder of the will he makes provisions for his children.<sup>1</sup>

Lieutenant Colonel Elphinstone left issue by his second marriage four sons and four daughters:—

1. The Honourable William, afterwards fifteenth Lord Elphinstone, of whom a memoir follows.
2. The Honourable Edward Charles, born 17th November 1832 at 3 Park Crescent, London.<sup>2</sup> He was baptized at Marylebone, on 18th March 1833, when his sponsors were Lady Mulcaster, Miss Henrietta Buller, Sir Pulteney Malcolm and John Fullerton Elphinstone, and was named after his maternal grandfather, Sir Edward Buller, Baronet. He adopted the army as his profession and entered it in 1849 when seventeen years of age. He went to Bombay in 1853 with his relative John, thirteenth Lord Elphinstone, and was aide-de-camp to his lordship there from that year till 1857, the year of the Indian Mutiny. In 1855, he was appointed Captain in the 92nd Highlanders. Soon after he returned from Bombay, on 5th May 1859, Captain Elphinstone married Elizabeth Harriette, fourth and youngest daughter of the Right Honourable Sir George Clerk of Penicnik, Baronet, and has surviving issue by her one son and two daughters. He was retired from the army in 1861. On 5th October of that year, Captain Elphinstone and his younger brothers and sisters received from Her Majesty the Queen, a Grant of Precedence authorising them to hold and enjoy the same title, place and precedence as if their late father had survived his cousin, John Baron Elphinstone and had succeeded to the title and dignity of Baron Elphinstone. He was in 1863 appointed Captain of the 1st Stirling Rifle Volunteers. His residence is Inveresk Lodge, Mnselbnrgh.
3. The Honourable John Frederick, born 21st April 1838, at East Lodge, Enfield. He was baptized at Marylebone on 28th March 1839. His sponsors were the Honourable Charles Elphinstone Fleming, Lord Elphinstone, and Miss Anne Elphinstone. He entered the army. In the Grant of Precedence given on 5th October 1861 to him and his brothers and sisters he is designed "John Frederick Buller Elphinstone,

<sup>1</sup> Copy Will dated 15th July 1854, in Elphinstone charter-chest.

<sup>2</sup> Letter, dated 19 [November 1832], *ibid.*

Esquire, a Lieutenant and Captain in our regiment of Scots Fusilier Guards." He subsequently became a Lieutenant-Colonel in the same regiment. Lieutenant-Colonel Elphinstone died unmarried on 22nd November 1874, at the age of thirty-six years, at Gurthallowha, in County Tipperary, where he was buried.

4. The Honourable George James, born 7th January 1841 at East Lodge, Enfield. He was christened at Marylebone when his sponsors were Sir Charles Adam, W. E. Malcolm, and Lady Fraser. In 1868 he married Annie, daughter of Rev. John MacIntyre, LL.D. of Killmonivaig, Inverness. He entered the Royal Navy, in which he was a Midshipman. He died without issue on 1st March 1879, at the age of thirty-eight years. He was buried in the Island of Lismore. He was survived by his wife, who in 1884 married, secondly, Rev. Hugh McLachlan.
1. The Honourable Gertrude, born 17th February 1826 at 2 Upper Harley Street, London. She was christened at Marylebone Church, her sponsors being George James Hamilton, Esquire, Lady Buller, and the Honourable Lady Clarina. She was named after her maternal grandmother, Lady Gertrude Buller. On 16th April 1850 she married James Hope of Belmont in the County of Midlothian, Writer to the Signet, and had issue two sons and two daughters. Mrs. Hope died 29th March 1894.
2. The Honourable Clementina Fleming, born 11th July 1827 at 12 Harley Street. She was christened at Marylebone when her sponsors were Lord de Dunstanville, Lady Malcolm, and Mrs. Freer. She was married on 8th April 1858 to Lieutenant-Colonel Douglas Jones, who died in 1879. They had no issue.
3. The Honourable Anna Maria, born 9th November 1829 at Torquay, Devon. She was christened at Tor Church by the Rev. James Younge on 28th December 1829 and was named after her mother. Her sponsors were the Countess Dowager of Morton, Mrs. P. Tyler, and the Honourable Mountstuart Elphinstone. On 4th March 1857 she married Thomas Henry Montgomery, a Captain in the 42nd Regiment of Foot, who died in 1879. They had issue two sons and a daughter.
4. The Honourable Elizabeth Mary, born 17th November 1834 at East Lodge, Enfield. She was baptized in February by the Rev. Dr. Cresswell, and christened at Marylebone 9th September 1835. Her sponsors were Lady Lowin, Miss Sarah Cortlandt, and William Adam, Esquire. She married on 17th January 1860 the Very Rev. James Francis Montgomery, D.D., Dean of Edinburgh, who died on 21st September 1897. They had no issue.



Lady ELPHINSTONE







XXII. 3.—WILLIAM BULLER FULLERTON ELPHINSTONE, FIFTEENTH  
LORD ELPHINSTONE.

LADY CONSTANCE EUPHEMIA WORONZOW MURRAY, HIS WIFE.

1861-1893.

The history of the Elphinstone and Carberry line of the noble house of Elphinstone has already been traced through two generations, beginning with the Honourable William Fullerton Elphinstone, the venerable East India director, and carried on through his sons, the youngest of whom, Colonel James Drummond Elphinstone, surviving his three elder brothers, was served heir to the estate of Carberry on 4th October 1854, but only enjoyed the possession of it for the brief period of two and a half years, as his death occurred on the 8th of March 1857. He was succeeded by his eldest son, William Elphinstone, the subject of this memoir, in whose person, as will subsequently be narrated, the title of Lord Elphinstone was inherited by this line of the family, on the death of John Elphinstone Fleming of Cumbernauld, fourteenth Lord Elphinstone, in the year 1861.

William Buller Fullerton Elphinstone was born on 18th November 1828, at a residence in the metropolis then occupied by his father, 40 Welbeck Street, London, and christened in the church of Marylebone on the 31st December following. He was the eldest son of the marriage of Colonel James Drummond Buller Elphinstone of Elphinstone and Carberry, and his second wife, Anna Maria Buller. He was thus the grandson of two distinguished men, his paternal grandfather being the Honourable William Fullerton Elphinstone, who, though he had at that time reached the advanced age of eighty-eight years, was present at the christening in the capacity of sponsor; while his corresponding relative on his mother's side was the Admiral Sir Edward Buller, Bart., of Trenant Park, Cornwall.

Although William Elphinstone, like many of his distinguished ancestors,

was introduced to professional life at a very early age, care was taken that before that time he received a sufficient educational training. He first went to school when seven years of age, at Hampstead, in the county of Surrey, where he received the rudiments of his education. From this he was transferred to another educational establishment at the town of Clapham, in the county of Middlesex; and subsequently received further training at Gosport in the parish of Alverstoke, in close proximity to the famous and historic seaport of Portsmouth. This occupied him till he was twelve and a half years of age, when he turned his attention to the business of life.

It has already been observed as a prominent feature of the Elphinstone family, especially in the later part of their history, that most of the members entered on professional life at a very early age. Both the Honourable William Fullerton Elphinstone and his brother Lord Keith are notable examples of this, and many of their relatives acted in a similar manner. In conjunction with this fact it is worthy of observation that the majority of them preferred to enter the national service and to be engaged in the defence of their country either in the army or the navy. An inherent love of adventure combined with a most courageous disposition seems to have run throughout the Elphinstone line almost from its commencement, but manifested more especially in the earlier and later members of the family, prompting them to seek fame and fortune by martial and maritime enterprise.

William Elphinstone, the subject of this memoir, although the eldest son and heir to the estates of Carberry and Elphinstone, was no exception to this rule. At the early age of twelve and a half years he entered the naval service and went to sea in 1841 as a volunteer of the first class in H.M.S. "Queen" at Portsmouth.

The naval career of William Elphinstone may be briefly sketched in this memoir. After serving for a time in the "Queen" he was transferred

to H.M.S. "Illustrious," the flagship of Sir Charles Adam, then stationed in the West Indies. This was a happy transference for young Elphinstone as the commander was his own cousin, the renowned Admiral Sir Charles Adam of Blair-Adam, K.C.B., who was a distinguished naval officer, and held many important positions, being for ten years M.P. for the counties of Clackmannan and Kinross, and holding in succession the high appointments of First Naval Lord of the Admiralty and Governor of Greenwich Hospital. He was also Lord Lieutenant of the shire of Kinross. Sir Charles was closely related to Lord Elphinstone through the marriage of his father, the Right Honourable William Adam of Blair-Adam, M.P., with the Honourable Eleanora Elphinstone, daughter of Charles, tenth Lord Elphinstone, and sister of Admiral Lord Keith. It may be inferred that while under the immediate direction of such a distinguished commander and relative, William Elphinstone would receive a thorough and careful training and insight into all that pertained to the naval service.

From the "Illustrious" young Elphinstone was transferred to H.M.S. "Grampus," which was at that time stationed principally at the island of Tahiti. This isle is the chief of the group known as the Society Islands, lying in the South Pacific Ocean not far from the Equator. At that time a dispute was going on between the natives and the French which ended in the annexation of these islands by that nation and the forcing of a protectorate over them, although the islanders had recently been converted by British missionaries. This procedure on the part of the French naturally excited a feeling of surprise and resentment in this country, and a force was ordered out to watch what was transpiring, although no actual outbreak of hostilities occurred between the two European nations. The "Grampus" was chosen for this service, and in it young Elphinstone obtained further experience of naval life in the equatorial regions of the western hemisphere. While cruising among these islands he occupied his leisure in a study of the customs and peculiarities of the natives

as far as that was practicable, obtaining many specimens of their weapons and ornaments, which went to form the nucleus of the splendid armoury he afterwards formed at his residence of Carberry Tower.

At the conclusion of this dispute William Elphinstone returned home in the "Cormorant." Among his companions on board this vessel was Frederick Beauchamp Seymour, now Lord Alcester, then about twenty-five years of age, who had, like Lord Elphinstone, joined the Royal Navy at a very early age. Young Seymour afterwards made rapid progress in the naval profession, rising to the rank of Admiral in 1882, and holding many other important positions. He was in command of the British fleet during the bombardment and occupation of Alexandria, his services on this occasion being recognised by his elevation to the peerage in 1882.

On his return from the Pacific, William Elphinstone continued his naval training by going through the gunnery course in H.M.S. "Excellent." He then joined Her Majesty's Yacht "Victoria and Albert." His diligence and aptitude in the naval service soon led to his being rewarded by his promotion to the rank of Lieutenant in the year 1848, seven years from the time of his first going to sea, and while yet but twenty years of age.

Next year, in 1849, he was told off on active service to China in the "Cleopatra," where he was employed for some time in watching and checking the numerous pirates which then swarmed in the Chinese seas to the danger and annoyance of the British traders. This occupied him for a period of about five years. In this service William Elphinstone displayed considerable bravery, and as the expedition was successful in keeping the pirates in check and allowing the traders and others to remain unmolested, he gained no small amount of credit by it, and was rewarded by the receipt of the Burmese medal in the year 1853.

He was, however, soon to take part in a work of much greater importance. In 1854 war was formally declared by Great Britain and France against the Russians, owing to the aggressive behaviour of the Emperor

Nicholas towards Turkey. This led to the memorable campaign in the Crimean peninsula. The war was carried on chiefly in the Black Sea and the Baltic. In the spring of 1854 a powerful combined fleet of French and British vessels, under the command of Sir Charles Napier, was despatched to the Baltic Sea to commence hostilities there. William Elphinstone was present at this expedition on board the "Dauntless." The fleet navigated the Baltic as far as the island of Aland, which they captured, and destroyed the batteries of Bomarsund, a fortified seaport on that island and a station of the Russian fleet. They then sailed up the Gulf of Finland and reconnoitred the great fortress of Cronstadt which guards the approach to the Russian capital, the Russian fleet having declined the contest in the open sea, and taken shelter behind the batteries of that almost impregnable fortress.

At the close of the year Lieutenant William Elphinstone effected a transference from the "Dauntless" to the "Royal Albert," which was fitted out as flagship for Rear-Admiral Sir Edmund Lyons, who was commander-in-chief of the naval force engaged in the contest then raging on the southern shores of Russia. Sir Edmund, being thoroughly conversant with the state of affairs in the East, was the intimate consultant of Lord Raglan. Soon after his arrival in the Black Sea, Lieutenant Elphinstone was appointed flag-lieutenant to Admiral Sir Houston Stewart, who was then second in command and directed the landing at Kertch. During this time young Elphinstone was engaged in very active service, and took a prominent part in the capture of Kertch, which was the chief seaport of the Crimea before it was levelled by the allied forces in 1855. It was situated on the very eastern extremity of the Crimean peninsula, and was the key to the straits of that name, which form the connecting link between the Black Sea and the Sea of Azov. The bravery and exemplary conduct of Lieutenant Elphinstone on this and other occasions, has led to his name being recorded with honour among those receiving special mention from the able and trustworthy historian of the Crimea, who writes in the following terms:—"There

were, happily, present, some officers of great zeal and energy, who might be trusted to go to the utmost of what mortal men could do. Without overpassing the limits of even official recognition we see the names of six officers whose valorous exertions were soon brought to light."<sup>1</sup> Lieutenant Elphinstone is named among these six. He was also engaged in the destruction of the Russian forts of Kinburn.

While flag-lieutenant to Sir Houston Stewart, that admiral used the "Hannibal" as his flagship; but, on his taking command of the lighter draft vessels forming the inshore squadron, his flag was transferred to H.M.S. "Valorous." At the close of the war Lieutenant Elphinstone was rewarded for his uniform bravery throughout this trying campaign by being promoted to the rank of commander, in the year 1856; and was further honoured by the receipt of the Baltic medal, the Crimean medal, and the Turkish medal in recognition of his distinguished services throughout the several stages of this memorable war. He was also created a knight of the fifth class of the Turkish order of the Medjidie.

At the close of this campaign Captain Elphinstone returned home from Russia, where he had gained both honour and advancement in the service of his country. Not long after his return, however, and while he was still in this country, a sad event occurred which subdued the rejoicings at his recent naval successes. This was the death of his father, Colonel James Drummond Elphinstone of Elphinstone and Carberry, which took place on the 8th of March 1857, before his eldest son, William Elphinstone, had reached the age of thirty years.

Although by this event Captain Elphinstone came into possession of the Carberry and Elphinstone estates, he did not resign his connection with the Navy, but continued to follow the career in which he had hitherto been so successful. After a lapse of three years he went to sea again, in H.M.S. "Hornet," in 1860, which was ordered out on duty to the south-west coast

<sup>1</sup> *Vide* Kinglake's History of the Crimean War.

of Asia, and proceeded first to the East India Islands, lying off the "Pirate Coast" of Arabia. From there he went to India, and while at Bombay in the year 1861, he received intimation of the death of his cousin John Elphinstone Fleming of Cumbernauld, the fourteenth Lord Elphinstone. That nobleman had only enjoyed his title for the brief period of six months, and, dying unmarried, was succeeded by his cousin, Captain William Elphinstone, the subject of this memoir.

The succession of William Elphinstone, a member of the Carberry line of the family, to the title of Lord Elphinstone in 1861, is deserving of at least a passing notice in this place. Not for many years in the history of this noble family had the title of Lord Elphinstone been inherited by any male heir outside the direct male line. From the time of the creation of the title in the year 1509, in the person of Alexander, first Lord Elphinstone, the title had descended from father to son in direct succession for five generations, or a period of a hundred and forty years. At that time, however, on the death of Alexander, fifth Lord Elphinstone, in 1648, without a son, the title and estates of Elphinstone were inherited by his nephew, Alexander Elphinstone of Barnis, Master of Elphinstone, who was at the same time his son-in-law by his marriage with the Honourable Liliast Elphinstone, the only surviving daughter of the amiable fifth lord, and who thereupon succeeded as sixth Lord Elphinstone. From that date the title was again transmitted in the direct line of the family from father to son for other seven generations—a period of over two hundred years—down to the time of the succession of that noble and distinguished Indian statesman, the thirteenth Lord Elphinstone. At his death, however, on 19th July 1860, it again passed from the main line, to be inherited by his cousin John Elphinstone Fleming. His tenure of the title, however, was very brief, for as already stated, he died six months after his succession, and the title descended to his cousin, this time, happily, to one who could and did sustain in a fitting manner the honour and dignity of the ancient and noble title of Elphinstone.



William Elphinstone was a member of the third generation of the Carberry line of the family. The origin and descent of this line has been already traced from its commencement with the Honourable William Fullerton Elphinstone, third son of Charles, tenth Lord Elphinstone, who became director and chairman of the East India Company; by whose marriage with the heiress of Carberry that estate was brought into the possession of this line of the family, and by whose industry they regained possession of the old Tower of Elphinstone, with the estate of the Tower farm surrounding it. He was succeeded by his eldest son, John Fullerton Elphinstone, who in turn was succeeded by his youngest brother, Colonel James Drummond Elphinstone, on whose death, as above narrated, the estates of Carberry and Elphinstone were inherited by his eldest son, William Elphinstone, the subject of this memoir, and who now, in 1861, inherited the title of Lord Elphinstone from the main line of the Elphinstone family. He thus became the fifteenth Lord Elphinstone in the peerage of Scotland.

As already stated, Captain Elphinstone was at Bombay in command of the "Hornet" when the news of his succession reached him. He could not at once return home, as that vessel was then ordered on an expedition to the Red Sea which occupied him three months protecting the English Christians by showing the English flag from port to port. At the termination of this expedition, however, Lord Elphinstone applied to the Naval authorities to be superseded, to allow him to return to Scotland to look after his affairs at home in connection with his succession to the title and estates of Elphinstone. This reasonable request was readily complied with, and he returned to this country, where he was received with every expression of cordial satisfaction and welcome on the part of his numerous friends and retainers.

Almost immediately on his return to his inheritance Lord Elphinstone applied himself to the care and arrangement of the family possessions, a task in which he took a most active and continual interest, paying special attention

to his own residence of Carberry Tower, which he enriched with trophies of his travels from many lands, as will afterwards be more fully recorded.

He still retained for a time his connection with the Navy, and took command of H.M.S. "Vigilant" at the home station. But very soon the advent of important business in connection with his new position and succession to the title and estates, and other causes, led to his resigning his command and retiring from the service as Post-Captain in the year 1863.

On 10th June 1864 William Buller Fullerton Elphinstone, fifteenth Lord Elphinstone, was served heir of entail and provision special to his grandmother Elizabeth Fullerton Elphinstone (widow of the Honourable William Fullerton Elphinstone of Carberry) who died on 27th May 1840, in the lands of Carberry and others. On the same day he was served heir to his father, Colonel James Drummond Buller Fullerton Elphinstone of Carberry, who died on 8th March 1857, in the lands of Westfield, part of the lands of Inveresk and others, in the shire of Edinburgh; and heir of line and conquest special to his uncle, John Fullerton Elphinstone of Carberry, who died 12th March 1854, in Elphinstone Tower, with the Tower farm, etc., in Haddingtonshire, the lands of Wester Glenboig in Stirlingshire, and the lands of Broadlees and others, in the county of Lanark.<sup>1</sup>

Soon after completing these feudal titles Lord Elphinstone celebrated his marriage with the Lady Constance Euphemia Woronzow Murray, on the 16th of June 1864. Lady Constance was a member of the illustrious house of Murray, Earls of Dunmore, being the second daughter of the late Alexander Edward, sixth Earl of Dunmore and Lady Catharine, daughter of George Augustus, Earl of Pembroke and Montgomery.

The marriage was celebrated in St. Andrew's Chapel, Dunmore, Stirlingshire. The ceremony was performed by the Reverend James F. Montgomery of St. Paul's, Edinburgh, brother-in-law of the bridegroom. The bride was given away by her brother Charles Adolphus, seventh Earl of Dunmore,

<sup>1</sup> Retours to Chancery at date.

while Captain John Frederick Elphinstone of the Scots Fusilier Guards, brother of Lord Elphinstone, acted as groomsman. The bridesmaids, six in number, were Lady Alexandrina Murray, sister of the bride, Lady Arabella Carnegie and Lady Constance Mary Carnegie, daughters of James, Earl of Southesk, and nieces of the bride, the Misses Hope of Belmont, and the Honourable Miss Vesey of the house of De Vesci.

At the conclusion of the ceremony the noble couple with their relatives drove to Dunmore Park, the home of the bride, whence they proceeded to Drummond Castle, the seat of his lordship's cousin, Lady Willoughby d'Eresby, who kindly lent the castle for the occasion.

One of the many questions in which Lord Elphinstone interested himself was that of the representation of the Scottish peers in Parliament. His lordship was unanimously elected a representative peer in the year 1867, and at once took an active part in the inquiries which were then discussed in regard to the claims of the Scottish and Irish peers to sit in the Upper House of Parliament. Next year, in 1869, Lord Elphinstone was nominated a member of the Select Committee of the House of Lords appointed to investigate this matter, and he took an exceptionally keen and lively interest in the subject.

On minute and careful study of this question in the light of historical inquiry, Lord Elphinstone formed the opinion that all the peers of Scotland should be admitted to the House of Lords as peers of parliament by making the remainder of them peers of the United Kingdom. In his evidence before the Committee, on 2nd July 1874, he stated this opinion, and gave his reasons for it in a very able and comprehensive paper, dealing with the subject of the representative peers of Scotland from the time of the Union of the Parliaments in 1707. This paper he read before the Committee, and was examined thereupon by their lordships. In thus standing forth on behalf of the Scottish peers, Lord Elphinstone made it known that he was not acting singly or on his own responsibility, as circulars had been sent to each

of the thirty-four Scottish peers who had no hereditary seat in the House of Lords, and replies were received from nearly all of them, so that he had their opinion to support him. His lordship was one of the chief witnesses before the Committee, besides being himself a member of it.

The Select Committee, over which Lord Rosebery presided, embodied the result of their investigations in a decisive report, which they submitted in the year 1874. In this report, composed of seven paragraphs, they stated that the cases of the Scotch and Irish peerages were not identical. They also recommended that the number of representative peers in the Scottish peerage be increased from sixteen to twenty-one, to maintain the original proportion to the number of Scottish members in the House of Commons, as established by the Treaty of Union. A protest, dissenting from one head of the report, in reference to the right of Scottish peers to sit in the House of Commons, was signed by the Earl of Doncaster [Duke of Buccleuch], Lord Saltoun, and Lord Elphinstone.

In the year 1868, the freedom of the burgh of Musselburgh was conferred on Lord Elphinstone on the eve of his lordship's taking his seat for the first time as a representative peer in the House of Lords. A proposal to this effect had been made on his return from India in connection with his succession to the title, and no better opportunity could have offered of carrying this proposal into effect. The ceremony took place on 25th February 1868. A motion was unanimously carried in the Town Council to the effect that:—

“In consideration of the long connection of the house of Elphinstone with this district of the country, the many acts of benevolence done by them to the inhabitants, the high personal character of the present lord, and his distinguished services in the Royal Navy during the Crimean War, as well as in various other quarters of the globe, likewise the compliment recently paid to his lordship by the Peerage in unanimously electing him one of the representative peers of Scotland, the Council should, on the eve of his lordship taking his seat in the House of Peers, confer the freedom of this ancient burgh on Lord Elphinstone.”

In his address to Lord Elphinstone, Provost Sanderson recalled the names of many distinguished persons who had been burgesses of the ancient burgh of Musselburgh, including H.R.H. the Prince Consort, Sir Walter Scott, Lord Clive, Lord Jeffrey, and many others; and concluded by remarking that he felt assured his lordship would discharge the duties of the high office to which he had been elected in a manner which would reflect credit on his country.

Lord Elphinstone then received from the hands of the provost the burgess ticket enclosed in a handsome case of morocco. The inscription was to the effect that the freedom of the burgh had been conferred on his lordship on account of his high personal character and his valuable and distinguished services as a naval officer in various quarters of the globe, particularly during a protracted war waged by this country with another great and powerful nation.

William, fifteenth Lord Elphinstone, was for many years a Lord-in-waiting to Her Majesty in Lord Beaconsfield's government, and subsequently also in that of the Marquis of Salisbury. He held this appointment from 2nd March 1874 till 9th May 1880; again from 27th June 1885 to 28th February 1886; and for a third time from 5th August 1886 to 18th September 1892. He also represented the Admiralty in the House of Lords, and made many able and pertinent speeches there.

The faithful and creditable public services of Lord Elphinstone received a fitting recompense in the year 1885, by his being created a peer of the United Kingdom on 30th December of that year, by royal patent, with the title of BARON ELPHINSTONE OF ELPHINSTONE, in the county of Haddington. This honour was especially gratifying to, and fitly conferred upon one who had striven with such energy and zeal on behalf of those of his compatriots in the Scottish peerage who had not the privilege of a seat in the House of Peers. This was the third occasion on which a member of the Elphinstone family was raised to the peerage of the United Kingdom.

The first instance was that of the Right Honourable George Keith Elphinstone, who was created a peer of the United Kingdom at the beginning of this century with the title of Baron Keith of Stonehaven Marischal; and the second was that of John, thirteenth Lord Elphinstone, Governor successively of Madras and Bombay, who, in 1859, was made a British peer with the title of Baron Elphinstone of Elphinstone, in the county of Stirling.

Like many of his distinguished ancestors in the Elphinstone family William, fifteenth Lord Elphinstone, saw service in various parts of the globe, and was ever fond of travelling. Among the many places he visited he was specially interested and pleased with the aspect of Western Canada, through which he travelled in the summer of 1879, forming a high opinion of its possible future rapid development. His lordship became the owner of landed property in that country.

Lord Elphinstone did much to increase the beauty and interest of his picturesque residence at Carberry. He was an active and enthusiastic collector of curios from all parts of the world, and lost no opportunity when abroad of procuring anything that would enhance the value and interest of his collections. He was especially interested in his Armoury, which he constantly added to till it contained specimens of the weapons of war of almost every nation in the world. These he arranged and catalogued with his own hand, and they now form one of the chief objects of attraction to the visitor at Carberry Tower.

The splendid collection of family pictures, including many valuable portraits of his ancestors in the Elphinstone line, which he brought together and carefully arranged at Carberry, form a lasting tribute to the interest he ever evinced in all that pertained to the history of the noble family of which he was the representative; as also the many objects of historical interest which had come into the possession of the family at various periods, especially by means of the Keiths, Earls Marischal, and other members and relatives of the family, who, like Mountstuart Elphinstone and the thirteenth

lord, held prominent public positions abroad. The collection further contains the medals, orders of merit, and the decorations which were awarded to the many distinguished members of the Elphinstone family for bravery and distinction at various times by sea and land in the service of their country. All were carefully and tastefully arranged and catalogued by the neat and skilful hand of Lord Elphinstone, and form a standing monument to his industry, taste, and love of art, besides lending an additional attraction to the already most interesting mansion of the Elphinstone family at Carberry Tower.

It is unnecessary in the brief compass of this memoir to enter into further detail respecting the life and labours of one who has so recently passed from among us, and whose memory is still fresh in the minds of those who were privileged to own friendship with him in any of the numerous capacities which he so ably fulfilled, in all of which he will ever be remembered as one well fitted to uphold the prestige of the ancient and noble family, of which for over thirty years he was the worthy representative.

Lord Elphinstone died after a short illness at his residence of Carberry Tower on the 18th of January 1893, at the age of sixty-four years. His remains were interred in the family vault at Inveresk. Her Majesty the Queen sent a special representative to place a wreath on his coffin, in the presence of many relatives and friends.

By his marriage with the Lady Constance Euphemia Woronzow Murray he had issue three sons and two daughters :—

1. The Honourable James Drummond, Master of Elphinstone, born 15th April 1865. He was christened at Dunmore in the following July, the sponsors being the Countess of Dunmore, the Earl of Dunmore, and the Honourable Edward Elphinstone. He was educated at Eton, and afterwards at Christchurch College, Oxford. He became second lieutenant in the Third Battalion of the Gordon Highlanders. In April 1890 he joined the Bechuanaland Mounted Police. A few months afterwards, his death

occurred at Palla Camp, Bechuanaland, South Africa, on 9th November 1890, in the lifetime of his father.

2. The Honourable Sidney Herbert, sixteenth and present Lord Elphinstone. Of him a notice follows.
3. The Honourable Mountstuart William, born 5th March 1871. Named after his renowned relative of Indian fame, he was christened at Dalkeith on the 6th of May following, the sponsors being the Rev. J. F. Montgomery (afterwards Dean of Edinburgh), H. D. Erskine, and the Lady Alexandrina Victoria Murray. He was educated at Marlborough College, and afterwards at Hollesley Bay Agricultural College. The Hon. Mountstuart William Elphinstone went to Canada in 1890, where he has settled.
1. The Honourable Lilian, born 11th February 1867. She was christened at Dalkeith on 16th April following, the sponsors being the Comtesse de Flahault, the Countess of Southesk, and the Viscount de Vesci.
2. The Honourable Constance Lothian, born 5th October 1873. She was christened at Dalkeith on 12th January 1874, her sponsors being the Marchioness of Lothian, the Countess of Elgin, and Prince Victor of Hohenlohe. The Hon. Constance Elphinstone died on 18th March 1895.

Elphinstone

Constance Elphinstone

XXIII. SIDNEY HERBERT ELPHINSTONE, SIXTEENTH AND PRESENT LORD  
ELPHINSTONE.

1893-

In thus tracing the history of the noble house of Elphinstone from its first known progenitor, John de Elphinstone, in the thirteenth century, down through the intervening period of over six hundred years to the present time, it is with great satisfaction that one records the continuance of the ancient title of Lord Elphinstone in the person of Sidney Herbert, sixteenth and present Lord Elphinstone.

The Honourable Sidney Herbert was the second son of William Buller Fullerton, fifteenth Lord Elphinstone, and the Lady Constance Euphemia Woronzow Murray, Lady Elphinstone, his wife. He was born at Carberry, on the 27th of July 1869, and christened at Dalkeith on the 11th September following, the sponsors being the Earl of Southesk, the Rev. C. Hinxman, and the Honourable Mrs. Montgomery. He was named after his maternal grand-uncle, the famous Lord Herbert of Lea. Sidney Herbert Elphinstone received a liberal education at Marlborough College, Wiltshire, along with his brother, the Honourable Mountstuart William Elphinstone. His elder brother, James Drummond, the Master of Elphinstone, died unmarried in South Africa in November 1890, in the lifetime of his father; and Sidney Herbert thus became heir-presumptive to the estates of Carberry and Elphinstone, and to the title of Lord Elphinstone, to which he succeeded at the early age of twenty-three, on the death of his father on 18th January 1893.

*Believe me*  
*Yours sincerely*  
*Elphinstone*

ARMORIAL BEARINGS OF LORD ELPHINSTONE.<sup>1</sup>

Quarterly—1st. Grand quarter, *argent*, a chevron *sable* between three boars heads erased *gules*, armed of the field and langued *azure*, for Elphinstone.

2d. Grand quarter, counter quartered—

1. *Gules*, a chevron within a double tressure flowered and counter-flowered with fleurs-de-lis, *argent*, for Fleming.
2. *Azure*, three frases *argent*, for Fraser.
3. *Argent*, on a chief *gules*, three pallets, *or*, for Keith.
4. *Or*, three bars waved *gules*, for Drummond.

3d. Grand quarter, *argent*, a chevron between three otters' heads erased *gules*, within a bordure of the last, for Fullerton.

4th. Grand quarter, *sable*, on a cross *argent* square, pierced of the field, four eagles displayed of the first; in the dexter quarter an arm embowed *proper*, issuing out of a naval crown, the hand holding a trident, *or*, for Buller.

Above the shield is placed his lordship's coronet, thereon a helmet befitting his degree, with a mantling, *gules*, doubled *ermine*, and on a wreath of his liveries is set for:—

*Crest*—A lady from the middle, well attired, *proper* holding a tower, *argent*, in her dexter hand, and a laurel branch *proper* in her sinister. On an escroll over the same this motto—CAUSE CAUSIT.

*Supporters*—Two savages, wreathed about the head and middle with laurel, carrying clubs on their shoulders, all *proper*.

<sup>1</sup> By patent, dated 12th October 1864, Thomas Robert, Earl of Kinnoull, Lord Lyon, granted to William Buller Fullerton Elphinstone, fifteenth Lord Elphinstone, the Arms above described. [The original patent is in the Elphinstone charter-chest; and is recorded in the Lyon Register, vol. vi. page 116.]

*Elphinstony Lord Elphinstony*



From the "Booke and Register of Armes Done by Sir David Lindesay of the Month Lyone King of Armes" A.D. 1542.

Also corroborated by contemporary Armorial Seals of the Lords Elphinstone, in the Elphinstone Charter-chest.

# TABULAR GENEALOGY OF THE ELPHINSTONES OF SELMES AND BABERTON,

A COLLATERAL BRANCH OF

## THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.

FROM A.D. 1466-1651.

HENRY ELPHINSTONE OF PITTENDREICH, second son of William Elphinstone, who, in 1397, obtained Pittendreich, in the shire of Stirling, from Sir William Lindsay of the Byres, and brother of Sir Alexander Elphinstone of Elphinstone, knight, who was killed at the battle of Piperdean in 1435. He succeeded his brother, Sir Alexander Elphinstone, in the male representation of the Elphinstone family. Had issue three sons.

LAURENCE ELPHINSTONE, FIRST OF SELMES, was second son of Henry Elphinstone of Pittendreich. He is described as of Selmes, in a great seal charter, dated 13th April 1466, where the first mention of him occurs. He held the lands of Newlands, part of which he conquest from the "communitie" of Selmes, and part from John Graham. He had two sons and one daughter.

ANDREW ELPHINSTONE OF SELMES. His father resigned to him the lands called Newlands. He also received a charter of Newlands from James, Earl of Mortou, of whom he was to hold them, on 8th April 1478. He is named one of the heirs of entail in the charters of entail of 1496 and 1502. He obtained the lands of Reidcraig, adjoining Selmes, in 1506, and the lands of Hill, in the barony of Ballarnoch, and shire of Edinburch, in 1507. He had issue.

NICHOLAS ELPHINSTONE of Glack. He received the lands of Glack, in Aberdeenshire, from his brother Andrew, by charter, dated 13th November 1499. He married Elizabeth Abircrumbly. He and his wife got a charter of part of the lands of Ardone, in Aberdeenshire, in 1509.

JONET ELPHINSTONE, married Richard Lainsoun of Hie-riggis, whom she survived.

WILLIAM ELPHINSTONE OF SELMES, was provost of the Collegiate Church of Bothwell. He received sasine as heir of his father of Easter and Wester Selmes, Newlands, and other lands, on 7th January 1513. He died soon after.

ANDREW ELPHINSTONE of Selmes, received sasine of Easter and Wester Selmes, Reidcraig and other lands, as brother and heir of Mr. William Elphinstone, provost of Bothwell, on 3rd November 1515. He died about 1529.

ALEXANDER ELPHINSTONE, caupon of Aberdeen, survived Andrew his brother, but having entered the church did not succeed to him.

WILLIAM ELPHINSTONE OF SELMES, received sasine of the lands of Easter and Wester Selmes and Reidcraig, as son and heir of Andrew Elphinstone of Selmes, in April 1530. Selmes passed out of the hands of William Elphinstone, and on 14th February 1555-6, James, fourth Earl of Morton, as superior thereof, was to give sasine of the lands of Selmes and others to Robert, third Lord Elphinstone. Lord Elphinstone conveyed the lands to John Elphinstone, his second son.

MARION ELPHINSTONE renounced in favour of her brother, William Elphinstone, all obligations and sums concerning her by the death of her father, on 5th November 1555.

GILES ELPHINSTONE, the only child of William Elphinstone of Selmes, married John Elphinstone, second son of Robert, third Lord Elphinstone. He became John Elphinstone of Selmes. He acquired the estate of Baberton or Kilbaberton, in the parish of Currie and shire of Edinburgh. The great seal charter conveying the lands is dated 11th August 1597. He also acquired the lands of Qubittlaw in the neighbourhood of Baberton. He was knighted, and was designated Sir John Elphinstone of Baberton, knight. About the year 1606 Baberton passed out of his hands, and he again took the designation of John Elphinstone of Selmes. He died in October 1614. He had five sons and two daughters. Giles Elphinstone survived her husband, and was alive in 1619.

JAMES ELPHINSTONE OF SELMES, was the third son of Sir John Elphinstone. His two elder brothers died young. He was born 9th February 1592. His testament is dated 24th March 1613. He married Bethia Guthrie, and had a son Alexander, who died before his father. He left no male issue.

JOHN ELPHINSTONE of Selmes. He succeeded to Selmes by the death of James his brother, without male issue. He died without male issue before 9th June 1630.

MARGARET ELPHINSTONE.

GEORGE ELPHINSTONE of Selmes. He succeeded to Selmes on the death of his brother John. In 1630 he disposed of the ward and marriage of Selmes to Alexander, Master of Elphinstone. He died in April 1651, when a creditor expedie a testament-dative to him.

JEAN ELPHINSTONE.

## COLLATERAL BRANCHES OF THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.

### I.—SELMES AND BABERTON.

SIR JOHN ELPHINSTONE OF SELMES AND BABERTON, KNIGHT,  
second son of Robert, third Lord Elphinstone.  
1553-1614.

As shown in the tabular genealogy of the Elphinstone family, which forms a part of the first volume, and also in the prefixed tabular genealogy of the Elphinstones of Selmes and Baberton, there were Elphinstones of Selmes a century prior to the acquisition of the lands and territorial designation of Selmes by Sir John Elphinstone of Baberton in 1555-6. Some account of these early Elphinstones of Selmes and of Sir John Elphinstone's connection with them will be given here.

Laurence Elphinstone, second son of Henry Elphinstone of Pittendreich, was the first of the Elphinstone family to acquire the lands of Selmes. In a charter, dated at Edinburgh, 13th April 1466, to which he is a witness, he is described as "Laurentio de Elphinstoune de Selmis, burgense de Edinburgh."<sup>1</sup> Laurence Elphinstone of Selmes had two sons—(1), Andrew, who succeeded him, and (2) Nicholas, who, on 13th November 1499, received from Andrew, his brother, the lands of Glack, "in schira de Daviot," in the sheriffdom of Aberdeen.<sup>2</sup> Nicholas Elphinstone, laird of Glack, married Elizabeth Abircrumby. He and his wife got a charter of two-parts of a plough-land of the north town of Ardone in the regality of Garviach and shire of Aberdeen. The charter, which is dated 17th September 1509, is witnessed, among others, by Hector Boece, rector of Tyrie, the celebrated historian.<sup>3</sup> Laurence Elphinstone of Selmes had also a daughter, Jonet, who married Richard Lausoun of Hieriggis; she survived her husband, and in a charter, which she granted on 30th April 1509, she calls Andrew Elphinstone of Selmes her brother-german.<sup>4</sup>

Andrew Elphinstone of Selmes, the son of Laurence, had a charter from James,

<sup>1</sup> Register of the Great Seal, vol. ii. No. 967.

<sup>2</sup> Antiquities of Aberdeen and Banff (Spalding Club), vol. iii. p. 465.

<sup>3</sup> Register of the Great Seal, vol. ii. No. 3821

<sup>4</sup> *Ibid.* vol. ii. No. 3455.

Earl of Morton, of 140 acres of the common of the "commonitie" of Caldercleare, part of which, or lxxx acres, was conquest from John Grahame by Laurence Elphinstone of Selmes, and a similar part conquest by him of the "commonitie" of Selmes, which 140 acres were called the Newlands, and were resigned by Laurence in favour of Andrew, his son, who was to hold the same in fee and heritage of the Earl of Morton. The charter is dated 8th April 1478.<sup>1</sup> He is named as an heir of entail in the charter of entail granted by John, Lord Lindesay of Byres, to John Elphinstone of Pittendreich, on 21st December 1496.<sup>2</sup> He is again named an heir of entail in the charter of 12th August 1502 by John, Lord Simpill, to John Elphinstone of Erth.<sup>3</sup> He had a charter from John, Earl of Morton, of 20 acres of the lands of Reidcraig, in feu-farm, contiguous to his lands called the Mote, within the lands of Selmes, dated 8th June 1506.<sup>4</sup> He had also a charter of the lands of Hill in the barony of Ballarnoch and shire of Edinburgh on 2nd September 1507, in which he is called the "King's familiar."<sup>5</sup> He frequently appears as a witness to charters.

Andrew Elphinstone of Selmes had three sons—William, Andrew, and Sir Alexander.

William Elphinstone of Selmes was provost of the collegiate church of Bothwell. He got sasine upon a precept of *clare constat* of James, Earl of Morton, as son and heir of Andrew Elphinstone of Selmes, of the lands of Easter and Wester Selmes, Newlands, Reidcraig, with half the lands of Morton, with the manor and pertinents, on 7th January 1513.<sup>6</sup> William Elphinstone must have died soon after this.

Andrew Elphinstone of Selmes, on 15th September 1515, elected his father-in-law, John Wardlaw of Riccarton, his curator and bailie.<sup>7</sup> On 3rd November 1515 he received sasine of the lands of Easter and Wester Selmes, Reidcraig, Newark, Hilend, Blakrawes, the Chymmeis of Morton, and half the town of Morton, as brother and heir of Mr. William Elphinstone, provost of Bothwell.<sup>8</sup> Andrew Elphinstone of Selmes nearly lost the lands of Selmes. Sentence was pronounced by William Prestoun, official of St. Andrews, in the archdeanery of Lothian, on 19th February 1522, in a cause between James, Earl of Mortoun, lord of Dalkeith, and Andrew Elphinstone of Selmys, annulling any act or pretended obligation made by Andrew to the Earl, and registered in the books of Court 31st March 1519, concerning the resignation and sale of the lands of Selmys. The act was cancelled and Andrew

<sup>1</sup> Inventory of writs of Selmes in Elphinstone charter-chest.

<sup>2</sup> P. 25 of vol. i. of this Book.

<sup>3</sup> P. 30 of vol. i. of this Book.

<sup>4</sup> Inventory of writs of Selmes in Elphinstone charter-chest.

<sup>5</sup> Register of the Great Seal, vol. ii. No. 3128.

<sup>6</sup> Inventory of writs of Selmes in Elphinstone charter-chest.

<sup>7</sup> Antiquities of Aberdeen and Banff (Spalding Club), vol. iii. pp. 465-6.

<sup>8</sup> Inventory of writs of Selmes in Elphinstone charter-chest.

Elphinstone was loosed from the excommunication, which he had incurred through not observing of the act in question.<sup>1</sup> Andrew Elphinstone died about the year 1529.

Alexander Elphinstone, the brother of Andrew, who is designed "Sir Alexander Elphingstoune, channoun of Aberden," and who survived Andrew, although heir of entail, did not succeed him, having entered the church. Andrew Elphinstone of Selmes was survived by a son, William, and a daughter, Marion.

Marion Elphinstone renounced, in favour of her brother William, all obligations and sums accruing to her by the decease of her father, on 18th November 1555.<sup>2</sup> On 5th November 1529, the lords of council granted a decree of reduction of the infeftment of Marion Elphinstone, as daughter and heir of line of Andrew Elphinstone of Selmes, at the instance of Sir Alexander Elphinstone, canon of Aberdeen, as heir of tailzie to Andrew his brother.<sup>3</sup>

William Elphinstone of Selmes received a precept of sasine by *clare constat* of James, Earl of Morton, as son and heir of Andrew Elphinstone of Selmes, of the lands of Easter and Wester Selmes and Reidcraig, on 26th March 1530.<sup>4</sup> Sasine of the lands followed on the precept in April 1530.<sup>5</sup> William Elphinstone was the last male representative of this series of Elphinstones of Selmes. The lands of Selmes, however, did not cease to be an Elphinstone possession. It will now be shown in the subsequent pages how Selmes came to be possessed by the subject of this Memoir, and how Giles Elphinstone, the daughter and heiress of William Elphinstone of Selmes, married Sir John Elphinstone of Selmes, the founder of the new family of Elphinstone of Selmes.

Sir John Elphinstone of Selmes and Baberton, knight, was born on 9th September 1553.<sup>6</sup> Before he was two years of age he was provided by his father to the lands of Selmes. It has already been shown in the memoir of Robert, Lord Elphinstone, that on 14th February 1555-6, he was to receive sasine of the lands of Selmes from James, fourth Earl of Morton, superior thereof. Upon acquiring the lands he had at once made them over to his son John.

Two obligations which Robert, Lord Elphinstone, gave to William Elphinstone of Selmes, about the same time, throw light upon the holding which John got of the lands, and the way in which they were conveyed to him. In the first obligation, dated at Edinburgh, 6th March 1555-6, it is stated by his lordship that he had sold heritably by charter and sasine to John Elphinstone, his second son, the lands of Selmes, Easter and Wester, Reidcraig, Newark, Hilend, Blakraw, the chymmeis of Morton, and the

<sup>1</sup> Liber Officialis Sancti Andree, p. 124.

<sup>2</sup> Inventory of writs of Selmes in Elphinston charter-chest.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Birthday Book, *ibid.*

half of the town of Morton, with houses, manor-place, and others, in the regality of Dalkeith and sheriffdom of Edinburgh, under reversion. He obliged himself that, in case the reversion, which was made by John Elphinstone for the redemption from him of these lands by William Elphinstone of Selmes, by paying the sum of 400 merks, was not sufficient, his lordship would have it renewed again in the most sure form.<sup>1</sup> In the second obligation, which is dated 6th April 1557, Lord Elphinstone obliged himself to cause redeem William Elphinstone's lands of Blackraw, Easter and Wester, alienated by William to Henry Kinloch, and Peter Kinloch, his son, and his nine merks worth of land of Selmes, called the Newark, to James and Robert Adamson, by virtue of the assignations and renunciations made thereupon by William Elphinstone to John, second son of Lord Elphinstone.<sup>2</sup>

Immediately after granting the first of these obligations, or on 9th March 1555-6, William Elphinstone of Selmes gave a charter to John Elphinstone, son of Robert, Lord Elphinstone, of the lands of Selmes, Easter and Wester, Reidcraig, Newark, and others, to be held of the Earl of Morton, paying for the lands of Reidcraig xl shillings in gold and silver, and for the rest service of ward and relief with the marriage.<sup>3</sup> The charter was followed by a precept and sasine, all of the same date.<sup>4</sup> A charter of confirmation was also given of the lands by James, Earl of Morton, dated 6th March 1555-6.<sup>5</sup> On the same day William Elphinstone of Selmes gave to John Elphinstone an assignation of the reversion of Blackrawes made by Henry and Peter Kinloch, and a reversion by James Adamson in Listoun Sheills and Robert his son, for redeeming the ix merk land of Selmes called Newark upon lxxx lib., dated 14th March 1554.<sup>6</sup>

In 1557, upon a supplication by Lord Elphinstone for himself and John Elphinstone, his second son, and as father and tutor to him, and William Elphinstone of Selmes, the lords of council ordained certain writs of Selmes specified in the supplication, dated from 1506 to 1555-6 to be registered in their books. They also ordained copies of these to be delivered to John Elphinstone, as heritable proprietor of the lands, and Robert his father, and the principal evidents to be given to William Elphinstone of Selmes, as having the same lands in frank-tenement.<sup>7</sup>

<sup>1</sup> Extract Decreet of Lords of Council and Session, narrating obligation, in Elphinstone charter-chest.

<sup>2</sup> *Ibid.* There are in the same custody several discharges for payment by Robert, Lord Elphinstone, to William Elphinstone of Selmes, of the mails of the lands of Blakrawes, Easter and Wester, and of Newark, from Martinmas 1561 to Martinmas 1566; also an acknowledgment by William Elphiu-

stone of Selmes that he had received an instrument of redemption of the lands of Blakrawes, Easter and Wester, from Alexander, Master of Elphinstone, dated 18th May 1580.

<sup>3</sup> Inventory of writs of Selmes, 1610, in Elphinstone charter-chest.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Extract decret, 8th April 1557, *ibid.*

In the two obligations already mentioned Lord Elphinstone consented to their registration in the books of council and session. He, however, subsequently declined to appear before the lords of council for that purpose, who, in his absence, decerned them to be registered, and executorials to be directed thereupon. Lord Elphinstone upon this declined to give effect to the obligations unless compelled to do so. This declinature led to the lords ordaining that if, upon being charged three times to fulfil the two obligations within 48 hours, he refused, he was to enter his person in ward within the castle of Dumbarton, there to remain on his own expenses until he obeyed the council, upon the pain of rebellion and putting of him to the horn, and his movable goods to be escheat to the Queen's use.<sup>1</sup> Lord Elphinstone after this implemented the obligations he had granted to William Elphinstone. From this time John Elphinstone is designated of Selmes.

In 1583 John Elphinstone of Selmes made over to Alexander, Master of Elphinstone, his brother, the lands of Selmes, Easter and Wester, Reideraig, Newark, Hilend, Blakraw, the chymmeis of Mortoun, and half the town of Morton. The sasine bears that in presence of the notary-public and witnesses a discreet man, John Elphinstone of Selmes, passed to the lands in question respectively which belonged to him heritably. There, for divers great sums of money advanced to him previously in his urgent need and necessity by the Master of Elphinstone, he gave him sasine of the lands of Selmes, Easter and Wester, Hairstanleis, Reideraig, Newark, and others, in the barony of Calderclear, regality of Dalkeith, and shire of Edinburgh, by delivery of earth and stone. He promised to give a charter of the lands with clause of warrandice contained in it.<sup>2</sup>

Notwithstanding this surrender of the lands of Selmes, John Elphinstone still continued after this to be called John Elphinstone of Selmes, and there is evidence that he possessed the lands of Selmes up to the time of his death. Indeed, when James, Earl of Morton, the superior of the lands, was executed, Esme, Duke of Lennox, upon whom the superiority devolved, on 28th February 1581 gave him a charter comprehending these lands. The sasine following upon this charter is dated 10th April 1582.<sup>3</sup>

On 19th May 1587, under the designation of John Elphinstone of Selmes, he became cautioner in 400 merks for John Wauchope of Niddrie and Abraham Wauchope in Leith, and in the same amount for Gavin Sandielandis of Lumfurde.<sup>4</sup>

Ten years previously, his father, Robert, Lord Elphinstone, made a settlement of his affairs, in favour of his son Alexander, Master of Elphinstone. The sasine, dated 27th, and the precept, dated 26th, May 1577, were witnessed by John Elphinstone of

<sup>1</sup> Messenger's execution, 1561, and relative papers, in Elphinstone charter-chest.

<sup>2</sup> Original sasine, *ibid.*

<sup>3</sup> Inventory of writs of Selmes, 1610, *ibid.*

<sup>4</sup> Register of the Privy Council, vol. iv. pp. 172-3.

Selmes.<sup>1</sup> Following upon this settlement, Alexander entered into an agreement with his two younger brothers, Mr. James Elphinstone of Innernoctie, one of the senators of the college of justice, and John Elphinstone, to prevent all "debait, play, and cummer" that might arise on the decease of their father. By this agreement, John Elphinstone and James his brother, renounced all bairns' part of gear that would accrue to them at the death of their father, and also all charters, etc., made to them, Alexander, Master of Elphinstone, on his part agreeing to pay to his two brothers 4000 merks in place of what they renounced. This agreement was concluded at Edinburgh, 22nd May 1587.<sup>2</sup> An acquittance for 2000 merks in complete payment of 3000 merks of this sum was signed at Edinburgh, 27th February 1587-8.<sup>3</sup>

John Elphinstone of Selmes was about this time in the service of the Duke of Lennox. In a contract, dated at Elphinstone, 5th June 1590, he is so described. The contract is between John Kunynghame of Drumquhassill and John Elphinstone, "sone lawchfull to Robert, Lord Elphinstoun, and serwitour to the Dwik of Lennox." It narrates that by a contract made by vmquhil Robert, Lord Boyd, and Elizabeth Boyd, his daughter, and vmquhil John Cunningham of Drumquhassil and the said John Cunningham, his son, John Cunningham of Drumquhassil obliged himself not to sell or wadset any of his lands and baronies. These were to be left free to his son John to succeed to after his father's decease. This, however, had not been carried out, as several of the lauds and heritages in question had been sold, with the result that John Cunningham of Drumquhassil had found it necessary to receive for his own use "in nwmerrat and tauld money" from John Elphinstone the sum of 2000 merks. In respect of this, he now sold to the latter, and his heirs, the right and title of the whole lands and annual rents mentioned in his father's contract, and to which he ought lawfully to have succeeded. Seeing he could not infest him in those subjects which had been sold by his father until such infestments were reduced, he constituted John Elphinstone his irrevocable assignee and procurator *in rem suam* in and to the contract and all actions of reduction competent to John Cunningham himself.<sup>4</sup>

Later notices of John Elphinstone of Selmes occur in the public records. On 24th March 1590-1, he is included in a complaint by Dame Dorathie Stewart, Countess of Gowry, and Issobel Hume, relict of Thomas Cranstoun, fiar of Corsbie, to the privy council. The complaint was that John Elphinstone, younger of Selme, Archibald Mure of Brigton, and others, with convocation of the lieges to the number of 100 persons, "all bodin in feir of weir," had come on 29th May preceding to the complainer's lands of Leithheid, where they burned a great quantity of turfs. William

<sup>1</sup> Original precept and sasine in Elphinstone charter-chest.

<sup>2</sup> Extract agreement, *ibid.*

<sup>3</sup> Original acquittance, *ibid.*

<sup>4</sup> Copy contract, *ibid.*

Mure and several others, but not including John Elphinstone, had been charged to appear and answer, who not having appeared were denounced rebels.<sup>1</sup>

On 8th February 1594-5 John Elphinstone of Selmes became surety in £1000 for Cuthbert Elphinstone of Henderston not to harm the inhabitants of Peebles.<sup>2</sup>

John Elphinstone of Selmes held a position at court in the household of Queen Anne, as in a summons, at his instance, dated 21st March 1594-5, King James the Sixth styles him "seruitour to our darrest bedfallow the quene." That summons was by him as owner of the non-entry of the lands and living of Drumquhassill, etc., by an assignation to him by Vmphra Cunnyngame, commissary of the burgh of Stirling, principal donator, against Isobel Cunnyngame, relict of the late John Cunnyngame of Drumquhassill, tencer of the lands, to cause her pay her part of certain annual rents out of the lands.<sup>3</sup> One of the lands which accrued to John Elphinstone of Selmes by the contract between him and John Cunnyngame of Drumquhassill was the thirty-three shilling and four penny land of Blairvokie, in the parish of Incheariacke and shire of Stirling. On 6th August 1595, he obtained a summons of removal against certain pretended tenants of these lands.<sup>4</sup> On 8th October of the same year he appears as a witness to an obligation by James Aikman, in the Newlands of Selmes, made to William Elphinstone of Selmes, with reference to £80 which he owed to him.<sup>5</sup>

John Elphinstone of Selmes acquired the estate of Baberton or Kilbaberton, in the parish of Currie and county of Edinburgh. In the charter conveying the lands, the king states that he gives it for his good service, and describes him as son of Alexander, Lord Elphinstone, a mistake for Robert, Lord Elphinstone. The charter bestows on him the lands of Kilbaberton, with tower and mauor-place, resigned by Henry Wardlaw of Kilbaberton, with consent of James Hepburne in Nethir Liberton. Failing of him and heirs-male of his body, the lands were to go to James Elphinstone of Barnton, his brother-german, whom failing, to Alexander, Master of Elphinstone, also his brother. The charter, which is under the great seal, is dated 11th August 1597.<sup>6</sup> At the same date the king granted to his familiar servitor, James Elphinstone of Barnton, one of the senators of the college of justice, the lands of Over Barntoun, with fortalice, etc. The grant was to him and the heirs-male of his body, whom failing, to John Elphinstone, gentleman of the queen's chamber, immediate elder brother of James, and the heirs-male of his body, whom failing, to Alexander, Master of Elphinstone, brother-german of James, etc.<sup>7</sup>

<sup>1</sup> Register of the Privy Council, vol. iv. pp. 172-3.

<sup>3</sup> Original summons in Elphinstone charter-chest.

<sup>5</sup> Extract registered obligation, *ibid.*

<sup>6</sup> Register of the Great Seal, vol. vi. No. 601.

<sup>2</sup> *Ibid.* vol. v. p. 644.

<sup>4</sup> Summons, *ibid.*

<sup>7</sup> *Ibid.* vol. vi. No. 602.

John Elphinstone, now of Baberton, further acquired the lands of Quhytlaw, a property neighbouring with Baberton. These lands, which belonged to Walter Mowbray, burgess of Edinburgh, held by ward, had fallen to the king, because they had been alienated to Alexander Otterburne, brother of Thomas Otterburne of Reidhall, without the king's consent.<sup>1</sup>

On 20th February 1598-9 he had an assignation given to him by Robert Jowsie, merchant burgess of Edinburgh, who had received sums of money from him, of a decret of the lords of council, at his instance, on 1st December 1593, against Patrick Mortimer in Enzean, pretended tenant of the half of the lands and town of Enzean, in the lordship of Keig and Monymusk, regality of St. Andrews and shire of Aberdeen, and certain other persons, who were all decerned to remove. By another assignation, dated 6th July 1598, the said persons were declared to have wrongfully occupied these lands, and ordained to refund the yearly profit during the period of their occupation.<sup>2</sup> Soon after this, on 13th June 1601, Alexander Leslie of Rothies became surety for John Leslie of Wardes in £2000 and for Mr. William Leslie of Warthill in £1000 not to harm John Elphinstone of Baberton, conform to the charge given to them on 23rd February preceding.<sup>3</sup>

John Elphinstone of Baberton received an obligation, dated 20th July 1602, from his brother Alexander, fourth Lord Elphinstone, binding himself to repay to him the sum of 5000 merks he had borrowed from him.<sup>4</sup> He witnessed a charter in 1603 to Robert, Master of Winton, and Anne Maitland, his future spouse, of the lands and lordship of Winton, in which he subscribes himself as "Jo. Elphingstoun de Babertoun."<sup>5</sup>

King James the Sixth now granted a charter to John Elphinstone of Baberton, which included his two former acquisitions of Kilbaberton and Quhytlaw. These lands he in this charter gave him of new and for his good service, with the same entail as the previous charter of Baberton of 11th August 1597. The charter is dated 10th March 1604.<sup>6</sup>

John Elphinstone of Baberton was knighted about this time, and is thereafter designed Sir John Elphinstone of Baberton, knight. In a lease belonging to this period he is so designated. The lease is by Margaret Kinros, relict of the late Robert Bissatt

<sup>1</sup> 14th June 1599. Register of Great Seal, vol. vi. No. 924.

<sup>2</sup> Assignation in Elphinstone charter-chest. These letters of assignation John Elphinstone, for a sum of money paid to him, disposed to Arthur, Master of Forbes, on 9th March 1603. [Disposition, *ibid.*]

<sup>3</sup> Register of Privy Council, vol. vi. p. 687.

<sup>4</sup> Obligation in Elphinstone charter-chest.

<sup>5</sup> Sir James Elphingstoun of Barntoun, knight, secretary to the king, is another witness. The charter is dated at Setoun, 31st January 1603, and confirmed 22nd March 1603. Register of the Great Seal, vol. vi. No. 1431.

<sup>6</sup> *Ibid.* vol. vi. No. 1522.

of Querrell, and John Bissat, her eldest son, heritors of the lands, and is with the consent of Alexander, Lord Elphinstone, James, Lord of Balmerinoch, secretary to his Majesty, "and of ane honourable man, Sir John Elphinstonn of Babertoun, knight," to whom John Bissat was "interdyttit." The lease bears that for certain gratitndes and pleasures done to the granters by Alexander, Master of Elphinstone, they let to him the lands and mains of Querrell, Corsbenke, and Easter Skemure, in the barony of Elphinstone, and also the lands of Chirriemrlands. It is dated at Elphinstone, last Febrnary and 21st August 1605.<sup>1</sup> Sir John Elphinstone's name occurs later in a charter, which King Charles the First confirmed, by the late John Bisset of Quarrell, with consent of Alexander, Lord Elphinstone, the late James, Lord Balmerino, and John Elphinstone of Baberton, their brother, at whose instance John Bisset was interdicted. By this charter Bisset, in fulfilment of an obligation dated at Elphinstoun 18th February 1592, sold to Mr. James Elphinstone, son of Alexander, the lands of Chirriemurelands, in Stirlingshire, etc. The charter is dated Elphingstonn, 16th December 1605, and confirmed 22nd February 1627.<sup>2</sup>

It appears to have been about the year 1606 that the estate of Baberton passed out of the hands of John Elphinstone. That estate then came into the possession of James Murray, the King's Architect, who with Martha Mnrray, his sponse, on 10th July 1612, received of new a charter under the great seal of the lands of Kilbaberton, with manor, etc., in the shire of Edinburgh, and the lands of Qnhitlaw, etc., in the parish of Currie and shire of Edinburgh.<sup>3</sup> In 1605, as already noticed, John Elphinstone is described as of Baberton. On 22nd March 1606 he is described as "Jhone Elphingstonn of Schelmes" in the Privy Conneil Register, when he becomes surety for Andrew Meldrnm of Drumbrek in £1000.<sup>4</sup>

John Elphinstone of Selmes married Giles, daughter of William Elphinstone of Selmes.<sup>5</sup> By her he had five sons and two daughters. The two eldest sons died young without male issue. The remaining sons were James, who succeeded him and became James Elphinstone of Selmes, John and George; and the daughters were Margaret and Jean. In an obligation which he made at Selmes in April 1608 he states "how that be Godis blissing thair ar diuers childrene borne vnto me in lauchfull mariage, of quhome I aucht to haue ane cair, and prouide for thame as becomes ane faithfull Christiane, will with adnyse foirsaid and of vtheris my speciall and honorabill freindis thoecht

<sup>1</sup> Copy tack, in Elphinstone charter-chest. Robert Innes, younger of that ilk, witnesses the subscription of Margaret Kinros.

<sup>2</sup> Register of the Great Seal, vol. viii. No. 1034.

<sup>3</sup> *Ibid.*, vol. vii. No. 689.

<sup>4</sup> Register of the Privy Council, vol. vii. p. 630.

<sup>5</sup> Birthday Book, in Elphinstone charter-chest.

expedient to bestow vpoun euerie ane of thame ane portioun of these guidis and geir quhairwith God in his mercie hes blissit me. In number of quhome Johnne, George, and Margaret Elphinstoune my thrie youngest bairnis ar.”<sup>1</sup> He proceeds in the same obligation to make provisioun for his children. John Elphinstone died in October 1614.<sup>2</sup>

## JAMES ELPHINSTONE OF SELMES, 1592-1613.

Son of Sir John Elphinstone of Selmes, Knight.

James Elphinstone was born on 9th February 1592. In an inventory of writs of Selmes, prepared on 1st December 1610, there is the following entry :—“James, thair thrid sone to Jhonn Elphinstoun of Selmis, wes borne vpoun ane Monouday at ix hours in the nycht the 9 of Februar 1592.”<sup>3</sup> James Elphinstone seems to have owned Selmes in the lifetime of his father, as in 1610, by which time his two elder brothers were dead, in the inventory just mentioned, he is called James Elphinstone of Selmes.

The testament of James Elphinstone is dated Blakeawis, beside the place of Selmes, 24th March 1613.<sup>4</sup> In it Mr. James Elphinstone of Quarrell and Mr. Alexander Guthrie, elder, are mentioned as the tutors of Alexander Elphinstone his son. James Elphinstone also therein nominates Alexander, his son, Bethia Guthrie, his spouse, and Mr. Alexander Guthrie, “Cowmoun Clerk of Edinburgh,” his only executors. Four days later he granted to Alexander, Master of Elphinstone, an obligation, dated at Selmes, obliging himself and his heirs to repay to the grantee the sum of 5000 merks which at divers times he had received from him for “outreding of certane my uecessar effairis.”<sup>5</sup> He died previous to his father soon after making his will.

James Elphinstone of Selmes married Bethia Guthrie,<sup>6</sup> and by her had one son, Alexander Elphinstone. Alexander was dead before the end of January 1619, leaving no male issue. On that date his uncle, John Elphinstone, had received the heirship and goods of James Elphinstone his father, as heir to him.

<sup>1</sup> Obligation in Elphinstone charter-chest.

<sup>2</sup> Testament-dative of John Elphinstone “sumtyme of Balbertoun,” in the parish of Currie. [Commissariat of St. Andrews.]

<sup>3</sup> Inventory in Elphinstone charter-chest.

<sup>4</sup> Original testament, *ibid.*

<sup>5</sup> Decreet of transferring at the instance

of Alexander, Lord Kildrummy, Master of Elphinstone, against John Elphinstone of Selmes, 14th March 1619, narrating obligation of 28th March 1613, *ibid.*

<sup>6</sup> Original testament of James Elphinstone of Selmes, 24th March 1613, *ibid.*

## JOHN ELPHINSTONE OF SELMES, 1613-1630.

Brother of James Elphinstone of Selmes.

John Elphinstone, his brother George, and their sister Margaret, are described in their father's obligation of 1608 as his three youngest children. John Elphinstone, upon the death of his elder brother James, succeeded as his heir to the family estate and became John Elphinstone of Selmes.

On 28th March 1617, at his own desire, John Elphinstone of Selmes was interdicted from disposing of any of his lands, heritages or goods, and from making leases, without the advice and consent of Alexander Lord Elphinstone, John Lord Balmerino, James Lord Coupar, and Sir George Elphinstone of Blytheswood. His reasons for having this done were, "the hazards whereunto the youth of this aidge is subject, whereby nocht onlie thaim selfis, bot the landis and leiving acqyreit to thaim be thair predicessouris ar oft tymis imperrellit be thair timerarius and rashe behaviour, as also be circumventioun, intysement, and persuasioun of particular personis, and vnderstanding him self nocht of perfyte and solid judgement as to consider and try be him self quhat may tend to his apperand profit or hurt, seing the gryte number of personis in this wickit warld ar bent to seduce and circumvein sic as they may profit or gain be." The charge to make publication of the interdict is dated 10th June 1617.<sup>1</sup>

On 29th January 1619 John Elphinstone of Selmes granted a discharge to Geills Elphinstone, his mother, acknowledging he had received from her the heirship and goods falling and belonging to him as heir to his late brother James Elphinstone of Selmes.<sup>2</sup>

John Elphinstone of Selmes died without male issue before 9th June 1630, by which date George, his brother, had succeeded to him in the estate of Selmes.

## GEORGE ELPHINSTONE OF SELMES, 1630-1651.

Brother of James Elphinstone and John Elphinstone, both of Selmes.

George Elphinstone was the last surviving son of John Elphinstone of Selmes and Baberton. His father, in making provision for him in the obligation of April 1608, describes him as his youngest son. On 27th March 1621, at the instance of George

<sup>1</sup> Charge, narrating interdict, in Elphinstone charter-chest.

<sup>2</sup> Decreet of transferring *ut supra*, narrating discharge, *ibid.*

Elphinstone and Margaret his sister, Alexander Lord Kildrummy, Master of Elphinstone, David Littill of Ormestounhill, as holding the principal bond and obligation just mentioned, and John Elphinstone of Selmes, were summoned to have the bond produced and John Elphinstone ordained to implement the provisions in their favour made therein by their father.<sup>1</sup>

On the death of his brother John about the year 1630, George Elphinstone succeeded to Selmes. In that year Alexander, Master of Elphinstone, drew up for George Elphinstone of Selmes a draft assignation of the gift of the ward and marriage of Selmes, and of the non-entry, maills, ferms, profits and duties of the lands of Selmes and others. In this assignation he says that for certain sums of money, gratitudes, pleasures, and good deeds previously done, paid and delivered to him by "my luiffing freind, George Elphinstoun, now of Selmis," he has sold and dispoined the foresaid gift to him. The writ is indorsed :—"Assignatioun be the Maister Elphinstoun of Selmis off the waird and mariage of Selmis, 1630," also, "In plaice off this assignatioun I subscryuit ane discharge to George Elphinston of Selms, ix June 1630 in Edr."<sup>2</sup> On 10th June 1630 George Elphinstone granted a formal discharge for the receipt of the writs of Selmes, as contained in an inventory of them which Alexander, Master of Elphinstone, in name of Alexander, Lord Elphinstone, his father, delivered to him. The discharge, which is at the end of the inventory, is as follows :—"Qwilkes perti[eu]lour wreittes abowe wrettine acowrdinge to the inwentour, I, George Elphinston off Sellmes, be thir putienes [presentes] granttes me to have ressevit from Alexander, Master of Elphinston in nem of Alexander Lord Elphinston, his fathere, and therfore exonores and di[s]charges the saidis Alexander, Lord Elphinston and the said Alexander, Master of Elphinstone, and all otheris quhom it effeires, be thir presentis wretten and swp[s]cryit with my hand, at Edinburgh, the ten day of Junj 1630." This discharge is subscribed "George Elphinston off Selmes."<sup>3</sup>

George Elphinstone of Selmes died in April 1651. At his death "a committee of neighbours" took charge of his personal effects. Robert Mitchelsone, bailie of Dalkeith, as creditor under two bonds and obligations for 1000 merks each, dated respec-

<sup>1</sup> Decreet of registration, dated at Edinburgh, 27th March 1621, in Elphinstone charter-chest.

<sup>2</sup> Original draft assignation, *ibid.* The place, month, and day of granting the assignation are left blank in the writ. George Elphinstone, also on 9th June 1630, granted a

discharge, which, according to a memorandum of it preserved on the back of another writ, was to Alexander, Master of Elphinstone, for all his intromissions with any goods and gear pertaining to umquhile James Elphinstone, his brother, and of all writs and evidents of Selmes.

<sup>3</sup> Inventory in Elphinstone charter-chest.

tively 14th and 25th June 1650, was appointed his only executor-dative. As such, Mitchelsone gave up his testament-dative, which contains no reference to any descendant or relative of the deceased.<sup>1</sup>

The Earl of Morton, whose family was superior of Selmes from an early time, acquired by purchase the property of Selmes, uniting it to the superiority; and Selmes still forms part of the estate of the present Earl of Morton.

The present yearly rent or value of the farm of Selmes is £227, 18s. 6d. The farms of Blackraw, conjoined with Auchinoon and Corston, and the farm of Redcraig, with several smaller subjects, have together an annual rent valued at upwards of £2400.<sup>2</sup>

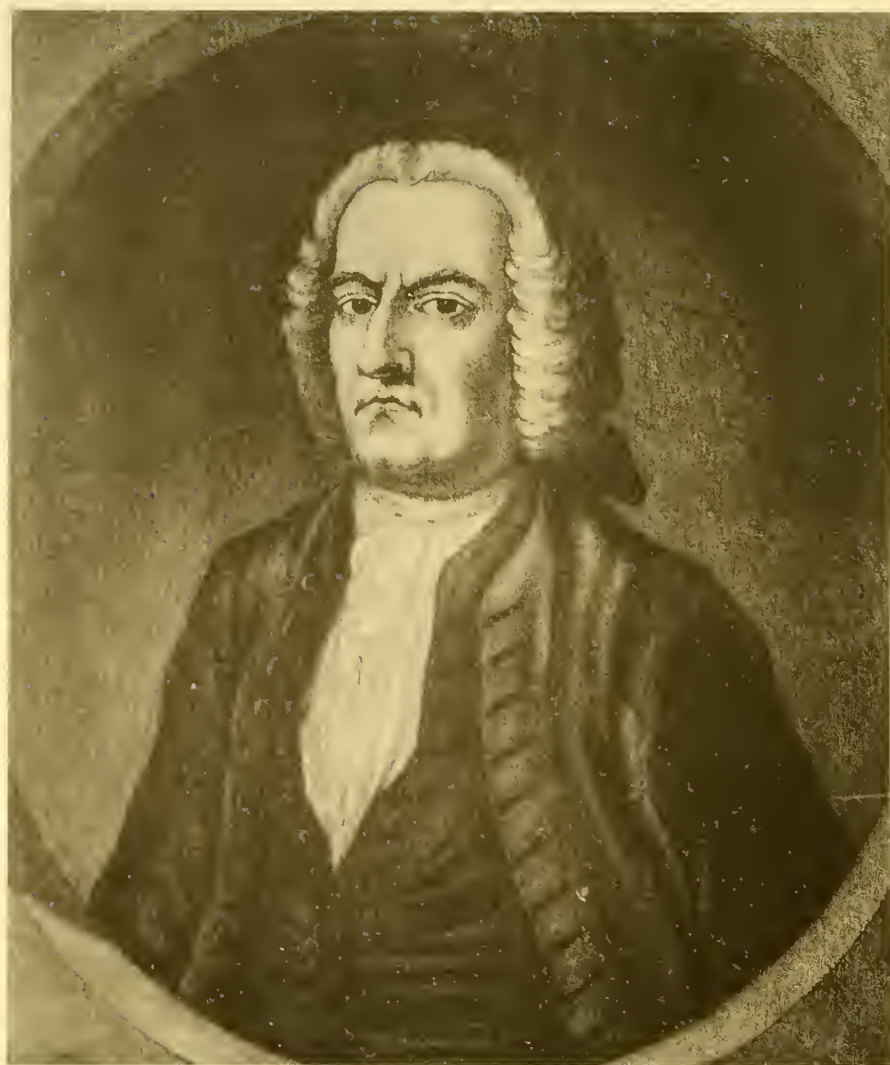
The estate of Baberton, owned for a time by Sir John Elphinstone of Selmes and Baberton, is now possessed by Sir James-Henry Gibson-Craig, Baronet of Riccarton. The manor-house, offices, garden, and policy, the golf-course, old quarry, ground, and plantations of Baberton, the farm, lands, houses, and offices of Baberton Mains, and the house, byres, and field of Whitelaw at a rental of £75, have together an annual value of about £860.<sup>3</sup>

<sup>1</sup> Testament-dative of George Elphinstone of Selmes, confirmed 15th December 1651. Commissariat of Edinburgh, vol. 65, H.M. General Register House, Edinburgh.

<sup>2</sup> Valuation Roll for the County of Midlothian for 1895-6.

<sup>3</sup> *Ibid.*





# TABULAR GENEALOGY OF THE ELPHINSTONES, LORDS BALMERINO,

A COLLATERAL BRANCH OF

## THE FAMILY OF ELPHINSTONE, LORDS ELPHINSTONE.

FROM A.D. 1603-1746.

1546  
ROBERT, THIRD LORD ELPHINSTONE, = MARGARET DRUMMOND, daughter  
born 3rd September 1530, died 18th May of Sir John Drummond of Inver-  
1602. peffray.

- I. JAMES ELPHINSTONE OF INVERNOCHTY AND BARNTON, third son of Robert, third Lord Elphinstone, born 19th August 1557. He was appointed a lord of session on 6th March 1587, and in 1596 was made one of the Octavians. Two years later he received the appointment of secretary of state. In 1603 he was created Lord Balmerino, the lauds of the Cistercian Abbey of Balmerinloch, in Fife, being erected into a temporal lordship in his favour. He was chosen president of the court of session in 1605. He continued long in great favour with King James, but forfeited the royal favour by causing a letter to be signed by the king to Pope Clement VIII. in laudatory terms. The letter being discovered, and the king upbraided for it, it caused much stir, and was ultimately considered treasonable. Lord Balmerino was tried and capitally convicted, but was pardoned in October 1609. He died at Balmerino in 1612. He married, first, Sarah, daughter of Sir John Menteith of Kerse, by whom he had one son John, afterwards second Lord Balmerino; and, secondly, Marjory, daughter of Hugh Maxwell of Tealing, by whom he had issue a son and five daughters. He held considerable landed property, including Barnton, Baberton, Barrie, Balmerinloch, Balmby, Innerpeffer, Restalrig, Balregie, and Dingwall.

- II.—JOHN, SECOND LORD BALMERINO. By letter under the great seal, on 4th August 1613, he was restored against the forfeiture of his father. A man of high attainments, and well versed in classic literature, he took a leading part in parliament in opposition to the corrupt measures of government. Being implicated in the drawing up of a petition to King Charles, however, which was considered seditious, he was tried and capitally convicted in 1635, but owing to the strong popular feeling in his favour his sentence was commuted to imprisonment, and later he was released. On 18th August 1641 he was elected president of the parliament of Scotland. On 13th November same year he was made an extraordinary lord of session. In the general assembly of 1643, which ratified the Solemn League and Covenant, he was chosen one of the assessors to the moderator, and throughout his life was one of the best friends of the Covenanters, assisting them with advice and money, even to the extent of injuring his own estates. He died in 1649. His wife was Anne, daughter of Sir Thomas Ker of Fernyhurst, sister of Andrew and James, Lords Jedburgh, and Robert, Earl of Somerset. By her he had one son.

HON. JAMES ELPHINSTONE, was created LORD COUPAR by royal charter in 1607. He was appointed an extraordinary lord of session in 1649 in room of his brother Lord Balmerino deceased. He married, first, Margaret, daughter of Sir James Halyburton of Pitcur; and, secondly, Lady Marion Ogilvy, daughter of James, second Earl of Airly, but had no issue by either. At his death, in 1669, his title and estates were inherited by his nephew John, third Lord Balmerino, whose grandson, James, fifth Lord Balmerino, took the title of Lord Coupar in 1714.

ANNE, married Andrew, first Lord Frazer, and had issue a son.

MARY, married John Hamilton of Blair.

MARGARET.

BARBARA.

MARJORY.

- III.—JOHN, THIRD LORD BALMERINO AND SECOND LORD COUPAR, born 18th February 1623. He found the estate much burdened, owing to the heavy debts contracted by his father in the public service. Notwithstanding his succession to the estate and title of his uncle, Lord Coupar, in 1669, he was obliged to dispose of nearly the whole of his landed property. He died on 10th June 1704, in the eighty-second year of his age. He was married at the Abbey of Holyrood House on 30th October 1649, to Lady Margaret Campbell, only daughter of John, Earl of Loudon, lord high chancellor of Scotland, and by her he had issue three sons and a daughter.

IV.—JOHN, FOURTH LORD BALMERINO, born 26th December 1652, was a man of exceptional ability and talents, being an able lawyer, and taking an active part in parliamentary affairs. He was made a privy councillor on 16th August 1687, and succeeded his father in 1704 by royal letter. Though he vigorously opposed the union of the parliaments he was elected one of the sixteen representatives of the Scottish peerage at the general election in 1710, and was re-elected in 1713. In 1710 he also received the office of general of the Mint, and was appointed sheriff of the county of Edinburgh, and next year was chosen one of the commissioners for executing the office of lord chamberlain. On the accession of King George the First, however, he lost all these appointments, and was not again returned one of the sixteen peers. Retiring into private life he died at his home in Leith on 13th May 1736, aged eighty-three, and was buried at Restalrig. He married, on 16th February 1672, Lady Christian Montgomery, third daughter of Hugh, seventh Earl of Eglinton, by whom he had four children; and, secondly, on 7th June 1687, Anne, daughter of Arthur Ross, the last archbishop of St. Andrews, and by her had issue two sons and a daughter.

JAMES, born 23rd February 1655, died in infancy.

MARGARET, born 29th January 1657, died in infancy.

JAMES, born 12th April 1660, died in infancy.

HUGH, MASTER OF BALMERINO, officer in the army, was killed at the siege of Lisle in 1708.

V. 1.—JAMES, FIFTH LORD BALMERINO, born 24th November 1675 (Edinburgh Register), studied law and was called to the bar in 1703. He was appointed a lord of session, and took his seat on the bench on 5th June 1714, assuming the style of Lord Coupar, which had been first adopted by his great-grand-uncle. In 1736 he succeeded his father, and after a peaceful and amiable life he died at Leith on 5th January 1746, at the age of 71, leaving no issue. His wife was Lady Elizabeth Carnegie, daughter of David, fourth Earl of Northesk, who survived till 21st September 1767. He was succeeded in the title of Balmerino by his brother Arthur.

MARGARET, married, 16th February 1692, Sir John Preston of Prestonhall, and had issue.

JEAN, married Francis, eighth Earl of Moray, by whom she had issue, and died in May 1739.

V. 2.—ARTHUR, SIXTH LORD BALMERINO, born in 1688. During the reign of Queen Anne he commanded a company of foot in Lord Shannon's regiment, but on the accession of George the First he resigned his commission and threw his energies into the Jacobite cause, joining the Earl of Mar, under whom he fought at Sheriffmuir. Escaping to France he remained there in the French service till the death of his brother Alexander, in 1733, when his father obtained a pardon for him, and he returned home after about twenty years of exile. On the arrival of Prince Charles Edward in Scotland in 1744 he hastened to his standard and was given the command of a troop of life guards, going with the Jacobite army into England. On the death of his brother James, the fifth Lord, in 1746, he became sixth Lord Balmerino, and fought at Culloden, where he was taken prisoner, and after a short confinement in the Tower was tried at Westminster on 29th July 1746, sentenced to death on 1st August along with Earls Kilmarnock and Cromartie, and beheaded on Tower Hill on 18th August 1746, his courageous and indomitable spirit evincing itself even on the scaffold. He married Margaret, daughter of Captain Chalmers, who died at Restalrig on 24th August 1765, but had no issue. At his death the male line of this branch of the Elphinstone family, after a short but most remarkable and chequered career of about a century and a half, became extinct.

HON. ALEXANDER, died unmarried at Leith, 1st October 1733.

ANNE, died unmarried.

ARMS of the ELPHINSTONES, LORDS BALMERINO—*Argent*, on a chevron, *sable*, between three boars' heads, erased, *gules*, three buckles of the field. Crest—A dove *argent*, with a snake, *proper*, linked about its legs. Supporters—Two griffins, *proper*, beaked and armed, *or*. Motto—PRUDENTIA FRAUDIS NESCIA.

THE HONOURABLE JAMES ELPHINSTONE, LORD COUPAR,  
 GODSON TO KING JAMES THE SIXTH.  
 1607-1669.

As already shown in the detailed tabular genealogy of the Elphinstones, Lords Balmerino, the Honourable Sir James Elphinstone, the first Lord Balmerino, was the third-born son of Robert, third Lord Elphinstone. By his second marriage with Marjory, daughter of Hugh Maxwell of Tealing, in the county of Forfar, he had an only son, James Elphinstone, who is the subject of this brief memoir.

In the year 1601 he is named, along with his father and mother, Lord and Lady Balmerino, in a charter to them under the great seal, of the baronies of Balumbie and Inverpeffrey, in the shire of Forfar.<sup>1</sup>

He was created a peer and lord of parliament by the title of Lord Coupar on 20th December 1607, by royal charter from King James the Sixth, who erected the dissolved Cistercian abbey of Coupar-in-Angus into a temporal lordship in his favour, with the title of a lord of parliament. The charter was to him and the heirs-male of his body, as second son of James, Lord Balmerino, and godson of the king, and included the lands of Campsay, Wolfhill, Brunthill, and many others described therein.<sup>2</sup> This charter was ratified by an act of Parliament, in which it is stated that the king had resolved to confer these lands on James, son of Lord Balmerino,

“considering the gude, trew, and thankfull service done to his Maiestie be his richt traist cousing and counsaillour, James, lord of Balmerrinloch, his Maiesteis secretar and president of the College of Justice, alsweill in his daylie and continuall attending in the secret counsaill and sessioun for the administratioun of justice to all his Maiesteis liegis, as in diuers and sindrie vtheris great, wechtie, and honorable services committit to his charge be his Hienes concerning the commonn weill of this realme : In the quhilkis he hes dischargeit himself maist faithfullie to his Maiesteis great honour and contentment, and to the singular commoditie of the realme and liegis

<sup>1</sup> Registrum Magni Sigilli, vol. vi. No. 1231. The charter is dated at Falkland, 12th August 1601.

<sup>2</sup> *Ibid.* vol. vi. No. 2002.

thairrof. And remembering that his Maiestie wes witnes and godfather to James Elphingstoun, sone to his said richt traist cousing, . . . and dame Mariorie Maxwell, his spous, and that it becummis his Maiestie of his princelie duetie to remember his said godsone with some token of his Hienes fauour," etc. . . . "And findis and declairis that the temporalitie, propirtie, and superioritie of the abbacie and monasterie of Couper, situat within the sherefdom of Forfar, being in his Maiesteis handis be ressoun of the generall annexatioun of the kirklandis of this realme of Scotland to the Crowne . . . be disponit to the said James Elphingstoun and his foirsaidis in maist ample forme." The act further "~~findis~~ it necessar and expedient that oure said Souerane lord sall erect, vnit, creat, and incorporat all and sindrie landis, baroneis . . . in ane frie baronie and estait of ane lordschip of his Hienes parliament: And that the samyn, with all privilegis and commoditeis per-tening thairto, with the honour, dignitie, and estait of ane lord of his Maiesteis parliament, with badge and armes for the caussis foirsaidis, sall be annaleit and disponit to the said James Elphingstoun, and his airis maill lauchfullie to be gottin of his bodie, quhilkis failzeing to the said James, lord of Balmerinoch, his father, and to his airis maill and of tailzie contenit in his infetment of the landis and baronie of Balumbie" [etc.].<sup>1</sup>

From the year 1621 onwards, the name of Lord Coupar appears with considerable regularity in the sederunts of the Scottish parliaments, and he was frequently chosen as a commissioner of inquiry, and a member of various committees.

His lordship was in command of a regiment of foot about 1640; and in 1645 it was ordered to march to the town of Perth, and to remain there till further orders, "and ordanes the Lord Cowper, and in his absence the commander in chiefe vnder him of that regiment, to cause thir orderis to be obeyed." Shortly afterwards they were ordained to march into "Monros," and relieve the garrisons in Angus, Mearnes, or Perthshire.<sup>2</sup> The regiment was disbanded in 1647, with the exception of "fourscore thrie well armed men therof."<sup>3</sup>

Lord Coupar married, first, Margàret, daughter of Sir James Halyburton

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iv. pp. 340, 341.

<sup>2</sup> *Ibid.* vol. vi. part i. pp. 486, 487.

<sup>3</sup> *Ibid.* p. 685.

of Pitcur. In 1641 he received a ratification of his infeftments of the lands of Cassilltounne and Inglistounne, following on a contract made betwixt John, Earl of Rothes, Lord Leslie and Bambreiche, and others, on the one part, and "his Maiesties trustie counsigne James, Lord Couper, and Dame Margaret Halyburtounne, his spous," on the other part, of date the 11th of July 1638.<sup>1</sup>

On the decease of his elder brother John, second Lord Balmerino, on 7th June 1649, Lord Coupar was appointed an extraordinary lord of Session in his place, and in this capacity he acted with most commendable energy and loyalty. On the publication of Cromwell's act of grace and pardon in 1654 he was mulcted to the extent of three thousand pounds for the loyalty of his principles.

A remarkable incident in the parliamentary career of Lord Coupar deserves to be here narrated. It occurred on the 3rd of July 1662, and even in the light of two hundred years' antiquity it does seem a strange episode to have taken place in such a sedate and honourable assembly. Sitting in parliament one day, Lord Coupar had handed his watch over to Lord Pitsligo for that nobleman to read the time from it. Observing this action, and desirous also of knowing the hour, Lord Sinclair, who was sitting near, put out his hand for a sight of the watch, which he in turn received from Lord Pitsligo. Lord Coupar meanwhile being interested in the discussion which was going on in the house, either did not observe this act, or attached no significance to it. On asking for his watch to be returned, however, it was refused, and he was informed by Lord Pitsligo that his having permitted it to pass into the hands of Lord Sinclair inferred an alienation, and he had forfeited his right to the watch. Lord Coupar naturally did not allow himself to be deprived of his property in this illegal manner in the supreme court of justice. He vindicated his right to his watch by an action in the court of Session, who decided against Lord Pitsligo, and found him liable in the value of the watch.

<sup>1</sup> Acts of the Parliaments of Scotland, vol. v. pp. 544, 545.

Towards the close of his life James, Lord Coupar, married, secondly, Lady Marion Ogilvie, the eldest daughter of James, second Earl of Airlie, but had no issue either by this or his former marriage. This lady, desirous of retaining her connection with the title and estates of Coupar, prevailed on Lord Coupar to make a conveyance of his honours and estates in favour of herself and whoever she might afterwards marry. Lord Coupar, however, was at the time of making this disposition far advanced in years and suffering from a mortal malady, and thus the law of deathbed came into effect to render the conveyance of no value, and it was set aside by a judgment of Session on 28th June 1671, upon an action of reduction at the instance of Lord Balmerino, the heir-at-law.

On the death of James, Lord Coupar, in 1669, his title and estates were inherited, in terms of the patent and entail, by his nephew, John Elphinstone, third Lord Balmerino, whose grandson James, fifth Lord Balmerino, assumed the style of Lord Coupar on taking his seat as an ordinary lord of Session on 5th June 1714. His brother Arthur, sixth and last Lord Balmerino, was executed on Tower Hill on 18th August 1746, for taking part in the rising of 1745, when his titles and estates were forfeited to the Crown.

The arms of Lord Coupar were the same as those of Lord Elphinstone with this addition, that the chevron was charged with hearts *argent*. His supporters, however, which are winged stags, are of special interest from the fact that this is the only instance of the use of such supporters in a Scottish coat of arms.

# CORRESPONDENCE

OF THE

## ELPHINSTONES, LORDS ELPHINSTONE, BALMERINO, AND COUPAR.<sup>1</sup>

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### I.—ROYAL LETTERS, ETC.

1. HENRY THE SECOND, KING OF FRANCE, to MONSIEUR RUEN, probably William, second Lord Ruthven, or Patrick, third Lord Ruthven —In reference to the affairs of Mary, Queen of Scots. 12th December 1552.<sup>2</sup>

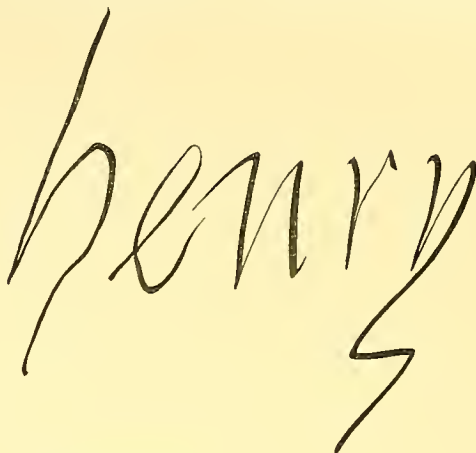
MONSIEUR DE RUEN, vous sauez auecques quelle affection jay cydeuant embrasse les affaires du royaume d'Escosse, et le soing que jen ay pris durant le bas aage de la Royne, ma petite fille, vostre souueraine, sans y auoir rien espargne de tout ce quil a pleu a Dieu mettre de puissance en mes mains, pour le conseruer en son entier ; de sorte que, par sa graude bonte et faueur et laide de vous et de ses autres bons et loyaulx subgeetz, le dict royaume ne scauroit estre en meilleur estat quil est de present. Estant en aage de maiorite et tel quelle mesmes peult gouuerner son dict royaume, il semble quil est plus raisonnable, quil se administre doresnauant par ses mains et soubz sou auctorité que de nulle autre personne. Pour le quel effect elle escript aux priuces,

<sup>1</sup>The originals of these letters are all in the Elphinstone charter-chest except where otherwise stated.

<sup>2</sup>Henry the Second was King of France from the year 1547 to the year 1559. His Queen was Catharine de Medici, and their eldest son was Francis, Dauphin of France, who in 1557 was married to Mary, Queen of

Scots. The "Monsieur de Ruen" to whom the letter is addressed was probably William, second Lord Ruthven, Lord Privy Seal of Scotland, who died before 16th December 1552, when his son Patrick, Lord Ruthven, has a charter of the third part of Dirleton, etc. De Laubespine was Secretary of State in France at the date.

seigneurs et geus des estatz de son dict royaume ; et a vous en particulier, domine, jay bien voulu faire de ma part, vous priant, monsieur de Ruuen, vouloir tenir main et vous employer de vostre part selon laffection que je scay que vous portez a son seruice, a ce quelle soit receue et admise a ladministration de son dict royaume ; et croire ce que sur ce vous dira de ma part le Sieur d'Oysel, mon lieutenant general, par de la ; tout aaise que vous feriez moy mesmes ; qui noubli-ray le bon et grand debuoir que je masseure vous ferez en cest endroict, suiuant vostre nayfite [natif] inclination a vostre souueraine. Priant Dieu, Monsieur de Ruuen, quil vous ayt en sa garde. Escript a Fontainebleau, le xii<sup>e</sup> jour de Decembre 1552.



A Monsieur de Ruuen.

DE LAUBESPINE.

TRANSLATION.

MONSIEUR DE RUUEN,—You know with what affection I have hitherto embraced the affairs of the kingdom of Scotland, and the care which I have taken of them during the minority of the Queen, my little daughter, your Sovereign, without sparing of all that it has pleased God to put of power in my hands, to preserve it entirely ; so much so that by His great goodness, and favour, and the help of you, and of her other good and loyal subjects, the said kingdom could not be in a better state than it is at present. She being in her age of majority, and such that she herself can govern her said kingdom, it seems more reasonable that she should henceforth administer it by her hands and under her authority than by any other person. To which effect she wrote to the princes, lords, and people of quality in her said kingdom ; and to you in particular, my lord, I have been very desirous to do so on my own part, praying you, Monsieur de Ruuen, to be pleased to hold hand, and employ

yourself on your part, according to the affection which I know you bear to her service, to that which may be received and admitted in the administration of her said kingdom, and to give credit, as you would to myself, to what Sieur d'Oysell, my Lieutenaut-General in that country, shall say to you on my behalf, who is fully instructed ; and I shall not forget the good and great duty which I am confident you will do in that particular, following your native inclination to your Sovereign. Beseeching God, Monsieur de Ruuen, to have you in His keeping. Written at Fontainebleau, the 12th day of December 1552.—Signed, HENRY : countersigned, DE LAUBESPINE.

To Monsieur de Ruuen.

2. KING JAMES THE SIXTH to WILLIAM, EARL OF GOWRIE, Lord Treasurer, in favour of Michael Elphinstoue, the King's carver. 18th December 1581.

REX.

THESAURAR,—We greit yow weill. Forsamekle as we haue remittit and dischargit to our daylie seruitour, Michael Elphinstoun, our caruour, the compositioun of the signature of confirmatioun of the infetment of feufferme maid to him be Williame, Comendator of Paisley, and convent thair of, of the landis specifeit thairin, exteuding to the sowme of ij<sup>c</sup> lib : Thairfoir ye sall pass, exped, . . . (*defaced*) the said signature of confirmatioun . . . allowit to yow in your comptes in . . . for sufficient warrand . . . the xviii day of December 1581.

JAMES R̃.

ARRANE. MONTROISS.<sup>1</sup>

3. KING JAMES THE SIXTH to ALEXANDER, MASTER OF ELPHINSTONE, to present for trial Marion Livingstone, accused of the murder of Lady Livingstone. 18th October 1597.

REX.

ALEXANDER, MAISTER OF ELPHINSTOUN, we greit yow weill. It is our will, and we command yow, that vpoun sicht heirof ye faile nocht to enter and preseute before ws heir at Lynlythgw, the morue before none, Maren Levingstoun, dilated and suspect of the detestable and heynous murthour of our vmquhile cousinesse, the Lady Levingstoun ; to be assourit and maid furthe command to her tryell, according to our lawes and justice, as ye will ansuer to ws vpoun the contrary ; keping this present for your warrand. Subscribit with our hand, at Lyulythgw, the xviii day of October 1597.

JAMES R̃.

R. LORD SETOUN.

LENEX.

BLANTYRE.

GLENCAIRNE.

CL<sup>s</sup> REG<sup>tl</sup>.

<sup>1</sup> Original letter in H. M. General Register House, Edinburgh.

4. KING JAMES THE SIXTH to SIR ALEXANDER BRUCE OF AIRTH—A Commission to apprehend and try witches. 1597.

JAMES, be the grace of God King of Scottis, to all and sindrie our lieges and subdeittis quhom it effeiris, to quhais knowlege thir onr lettres salcum, greting. Wit ye ws to haue gevin, grantit and committit, and be thir our lettres gevis, grantis, and committis full power and commissioun, expres bidding and charge, to our Sir Alexander Bruce of Airth, knycht, to serche, seik, tak and apprehend all and quhatsumener persones, duelland, hantand or resortand within the boundis of his haill landis of Airth, Ogilface and vtheris, quhairener they ly within this realme, dilaitit or suspect guilty of witchcraft, sorcerie, inchanntmentis or sic diuillische practizes, to the abuse of the people, quhaireuer they can be found or apprehendit : And being taiken and in handis, to commit and detene thame in snir ward, try and examinat thame, put thame to the knowlege of aue assyis, and be dittay to accuse for the saidis crymes : And as they salhappin to be found guilty or innocent thairof, to minister and caus iustice be ministrat vpoun thame, conforme to the lawes of our realme and actis of parliament : And for that effect, court or courtis of iusticiary within the boundis fairsaidis or ony part thairof, to set, begin, affixt, afferme, hald and continew, als oft as neid beis ; sectis to mak be callit, absentis to amerchiat ; vnlawes and amerchiamentis of the saidis courtis, to ask, lift and rais, and for the same, gif neid be, to poynd and distrenzie ; the escheittis of the persones that salhappin to be convict of the saidis crymes, to intromet with and vptak, the ane half thairof to our vse to inbring, and compt, rekkening and payment thairof to our thesanrar in our name to mak, and the vther half to onr said iustice awin vse for his labonris to apply ; assyisis, aue or ma, to summond, warne, cheis, and caus be sworne, ilk persoun not comperand vnder the pane of fourtie pundis, deputis vnder him, with clerkis, seriandis, dempstaes, and all vther officiares and memberis of court neidfull, to mak, creat, snbstitute and ordane, for the quhilkis they salbe haldin to ansuere ; and generallie all and sindrie vther thingis to do, exerce and vse, that to the executioun of the premissis is necessarlie requirit to be done. Ferme and stable haldand and for to hald all and quhatsumener vther thingis our said commissioner and iustice in that pairt sal lauchfullie do heirin ; be thir presentis, gevin vnder onr signet, and subscriuit with our hand, at the day of and of our regne the xxxj yeir, 1597.

JAMES R̃.

5. KING JAMES THE SIXTH to the CAPTAIN OF THE CASTLE OF DUMBARTON, to receive in ward Alexander, Master of Elphinstone. 4th May 1598.

REX.

CAPITANE, constable and keparis of our castell of Dunbartane, we grete you wele. Ye

sall ressaue in warde within our said castell, Alexander, Master of Elphingstoun, thairin to remane vpoun his awne expenssis quhill he be fred be ws ; quhairanent thir presentis salbe your warrand. Subserynit with our hand, at Haliruidhous, the fourte day of Maii 1598.

JAMES R̃.

Indorsed : Warrand to Dunbartane to ressaue Alexander, Maister of Elphingstoun.

6. KING JAMES THE SIXTH to the LORD TREASURER and other KEEPERS OF REGISTERS, not to pass a new infeftment in favour of John, Lord Forbes, and his son. 13th January 1598-9.

REX.

THESAURAR, clerk, clerk to our previe seill, directour of our chaneellarie, your deputtis, keiparis of our signet, previe and greit seillis, we greit yow weill. Forsamekle as our adnoeat, and Alexander, Maister of Elphingstoun, hes obtenit thre seuerall decreittis of contraventionnes aganis Johnne, Lord Forbes, quhairin he is deernit to mak payment of the soume of tuelff thowsand merkis, the ane half to ws and the vther half to the said Maister : As alsna it is of veritie that our said aduoecat, and the said Alexander, Maister of Elphingstoun, and his sone, hes aetioun of contravention depending befor the lordis of Counsale aganis the said lord, quha wilbe deernit to mak payment of diuers greit panes, extending to the sowme of fourtie thowsand pundis, quhair of the ane half will pertene to ws : The said lord meaning to frustrat ws and the said Alexander, Maister of Elphingstoun, of all exeention of comprysing for satisfactioun of the saidis soumes and panes alreddie recouerit and to be recouerit aganis him, and to mak the decreittis thairanent ineffectuall, hes maid resignatioun of his landis and leving in our handis for new infeftment of fie thair of to be gevin to his sone, the Maister of Forbes : Quhairby we and the said Alexander, Maister of Elphingstoun, may be defraudit and hinderit of all comprysing of ony of the said lordis landis for the soumes foirsaidis, without remeid be proudit thairto. Thairfor it is our will, and we expreslie command yow and everie ane of yow, that ye nawayis pas the signatour of the said new infeftment throw ony of our saidis registeris, signet, previe and greit seillis ; dischairgeing yow thair of and of your offees in that pairt, quhill ordour be tane be ws thairanent, and suretie maid for payment alswell to ws as to the said Maister of the saidis soumes and panes of contravention alreddie recouerit and to be recoverit. Subserynit with our hand and gevin vnder our signet, at Halirudhous, the threttine day of Januar and of our regune the xxxii yeir, 1598.

JAMES R̃.

7. KING JAMES THE SIXTH to HENRY THE FOURTH, King of France, sending him a present of dogs. 29th May 1599.<sup>1</sup> [Contemporary Copy.]

MON FRERE,—Je ne vous scaurois exprimer le grand contentement que jay receu par vostre si courtoise et familiere lettre. Ayant aussi par icelle entendu le plaisir qu'aues prins des chiens que je vous enuoyè uagueres, je vous supplie de continuer tousiours ceste familiarité avecque moy en m'empl[o]yant de vous fouruir d'aucune chose qui vous puisse estre agreable ; vous assurant que je m'estimeray heureux de trouuer aucune occasion par laquelle je vous puisse donner preuue de la sincere affection que je vous porte. Je vous enuoy par la presente commodité du laquay de Monsieur de Vitry huit chiens, qui vous plairont, a mon auis, aussi bien que les premiers. Quant a ce qu'[i]l vous plaist de vous excuser de ne m'auoir visité par vn des vostres le temps de mou indisposition je ne vous scaurois assez remercier de vostre grande affection, encore que vostre lettre aye esté la premiere qui m'ayt apporté ces nouuelles : car, Dieu mercy, je nay jamais esté suiet a aucune maladie ou ficure, excepté la fieure de chasse, laquelle m'est dautant plus augmentee que j'ay ay eu l'occasion par ce moyen la, de vous donner aucun contentement. Mais jc suspecte que peut estre aucuns de nos voisins ayent faict ce bruit courir, comme ilz voudroient qu'[i]l fust en effect. Le rapport qui se faict tous ces deux mois passez, que vous estes sur le point de me visiter par vn de vostres, m'a fait differer encores a vous enuoyer un des miens selon ma promesse, a fin que par ce moyen je puis estre mieux iufonné de vostre intention en toutes choses. Pour matiere de chiens je vous en fourniray a toutes occasions, et en ce point seray vostre grand maistre vcur. Au reste, mou frere, vous suppliaut de croire que vous n'aurez au monde vn plus fidel et affectionué amy que vostre tres affectionné frere.

JAQUES R̃.

On margin : Au Roy de France, 29 Majj 1599. Indorsed : Copie of his Maiestie's Lettre to the King of France, 29 Majj 1599.

#### TRANSLATION.

MY BROTHER,—I do not know how to express to you the great satisfaction I have received by your letter so courteous and familiar. Having likewise learned from it of the pleasure you have taken in the dogs that I lately sent you, I beseech you always to

<sup>1</sup> Henry, King of Navarre, on the death of Henry the Third, King of France, succeeded to the throne. He became Henry the Fourth

of France, commonly styled Henry the Great. He was the first King of the House of Bourbon, and reigned from 1589 to 1610.

continue this familiarity with me, by employing me to supply you with anything that may be agreeable to you ; assuring you that I shall deem myself happy to find any occasion by which I can give you proof of the sincere affection which I bear you. I send you by the present opportunity of the lacquey of M. de Vitry eight dogs, which will please you, to my judgment, as well as the first. As for what it pleases you to excuse yourself for not having visited me by one of your servants the time of my sickness, I do not know how to thank you sufficiently for your great affection ; nevertheless your letter has been the first to carry me these news : for, God be thanked, I have never been subject to any illness or fever, except the fever of the chase, which has been so much the more increased that I have had the chance by that means to give you any satisfaction. But I suspect that perhaps some of our neighbors have circulated that rumour, as they wished it might be in reality. The report which has been going all these two months past that you were on the point of paying me a visit by one of your servants, has made me defer still longer from sending you one of mine according to my promise, to the end that by that means I might be the better informed of your intention in all things. As to the matter of the dogs, I will supply you on all occasions, and in that point will be your Grand Master Hunter. For the rest, my brother, beseeching you to believe that you have not in the world a more faithful and affectionate friend than your most affectionate brother.

(Signed)                    J A Q U E S   R ̃.

8. KING JAMES THE SIXTH to Mr. JAMES SEMPILL of Beltreis, to pay to Archibald Johnstoun, burgess of Edinburgh, the sum of £7000 Scots. 4th December 1599.

REX.

MR. JAMES SYMPLE of Biltreis, ressavear of our annuitie in England, we greit you wele. Forsameikle as we, and our thesanrar in our name, ar addebtit to Archibald Johnestoun, merchand and burges of our burgh of Edinburgh, in the sowme of sevin thowsand pundis money of our realme, for his furnissing maid to ws this instant yeir of God j<sup>m</sup> v<sup>c</sup> lxxxxix yeiris, conforme to ane contract past thairanent betuixt our said thesaurar on the ane pairt, and our trusty counsallour, Sir George Home of Spot, knycht, and the said Archibald on the vther pairt : It is thairfoir our will and we command you that vponn the sicht heirof ye ansuer and mak payment to the said Archibald or any in his name havand his pouer and commissioun to ressave the samin, off the said sowme of sevin thowsand pundis, of the first and reddyest of our said annuitie : Quhilk salbe thankfullie defcased and allowit to you vponn compt, keipand thir presentis, togidder [with] the said Sir George, and Archibald Johnstonis sufficient

discharge vponn the ressait thairof, for your warrand. Subscriuit with our hand, at Halyruidhous, the ferd day of December 1599.

	JAMES R̃.	
LEVINGSTÖE.	MONTROISS, Can <sup>rius</sup> .	
	A. M. E., Thesaurer.	
	S <sup>r</sup> ROBERT KER.	
	J. COKBURNE.	SECRET <sup>r</sup> .
		CL. REG <sup>ri</sup> .
JO. PRESTOUN.	S. G. HOME.	COMPTROLLER.
S <sup>r</sup> G. HOWME.	M. T. HAMILTON.	FYVIE.

9. KING JAMES THE SIXTH to JAMES SEMPILL of Beltreis, to pay to George Heriot, younger, goldsmith, the sum of £400 sterling. 14th January 1600.

REX.

JAMES SEMPILL of Beltreis, It is our will and we command yow, that incontinent efter the sicht heirof ye delyver to our seruitor, George Heriote, younger, goldsmyth to ws and our derrast spon, the sowme of foure hundreth pundis sterling, addettit be ws and our thesaurar to him for certane jewellis coft and ressaut be ws fra the said George vpon the first day of Januar instant ; and that of the first and reddiest of our annuatie of Ingland to be ressaut be yow : Quhairanent thir presentis, together with the said Georges acquittance to be ressaut be yow thairvpone, salbe to yow sufficient warrand. Subservit with our hand at Halyruidhous, the fourtene day of Januar 1600.

JAMES R̃.  
MONTROISS, Can<sup>rius</sup>.  
A. M. E., Thesaurer.  
SECRET<sup>r</sup>. FYVIE.

10. KING JAMES THE SIXTH to ALEXANDER, MASTER OF ELPHINSTONE, Treasurer, as to repairs on Holyrood Palace. 9th July 1600.

RICHT TRUSTY and weilbelouit counsallour, we greit you hertlie weil. Seing it is now hie tyme to begin the reparatioun of our palice of Halyruidhous, according to your promeis maid thairanent, we haue thocht guid to will and desire you to begin thairto indelayedlie vponn the ressait heirof, and to be bissie and cairfull in perfyting that work with all diligence, as ye will do ws speciall guid pleasour and seruice. Swa we commit you to God ; from Falkland, this nynt of Julij 1600. JAMES R̃.

To our richt trusty and weilbelouit counsallour, the Maister of Elphinstoun, our Thesaurar.

11. KING JAMES THE SIXTH to ALEXANDER ELPHINSTONE, Lord Treasurer, to pay to the Laird of Beltreis £100 sterling out of the annuity from England. 22nd December 1600.

REX.

THESAURER, it is oure will that vpoune the sieht heirof ye gif our seruitour, the lard of Beltreis, a suffieient warrand to ressaue and vplift a hundryth pundis stirling of the first and reddiest of oure annuitie of this present yeiris recept, as super expenssis of his lait imployment in oure seruice in Ingland, as the compt of his charge and intromissionne att mair lynth beiris ; quhair of this salbe your sufficient warrand. Gevin att Halyruidhous, the xxij. daye of December 1600.

JAMES R̃.

MAR.

ROXBURGHE.

COMPTROLLER.

S<sup>r</sup> G. HOWME.

HALYRUDHOUS.

12. KING JAMES THE SIXTH to DAVID AYTOUN, Advocate, granting him two annual rents, one from James Lord Lindsay of the Byris, and the other from Andrew Wood of Largo. 1600.

OURE SOVERANE LORD ordanis ane lettre to be maid, vnder the testimouiall of the greit seill, in fauouris of his louit Maister David Aytoun, aduocat, nameand and presentend him in immediat heritabill tenente to James Lord Lyndsay of the Byris, and Andro Wood of Largo, in and to the tua particular annual rentis vnderwrittin : To wit, in and to ane yeirle annualrent of ten bollis beir with the cheritie; sauld, annaleit and disponit be the said James Lord Lyndsay to vmquhill Robert Aytoun in Lundie Mylne and Elizabeth Swyne, his spous, and to the langest livear of thame twa in coniunctie, and to the airis lauchfullie to haue bene gottin betnix thame, quhilkis failzeing to the said vmquhill Robertis airis and assignayis quhatsumeuer, yeirle, to be vpliftit and tane at twa termes in the yeir betuix Yuill and Candilmes, furth of all and sindrie the said lordis landis and baronie of Struther and landis of Balmane, or onie pairt thairof, with the pertinentis, lyand within the schirefdome of Fyffe : Redemeabill alwyse be the said lord, his airis and assignayis, vpon the sowme of fywe hundrethe merkis, conforme to the contract and securiteis maid thairupone ; and in and to ane vther annualrent of ten bollis beir, with the cherotie, sauld, annaleit and disponit be the said Andro Wood of Largo to the said vmquhill Robert Aittoun, his spous, and thair foirsaidis, yeirle to be vpliftit and tane furthe of the said Androis landis of Largo or onie pairt thairof with the pertinentis, lyand within the schirrefdome of Fyffe ; redemeabill vpon the sowme of fyve hundrethe merkis monie, conforme to the contract

and securiteis past betnix thame thairupone : And in and to the foirsaidis principall sowmes, quhairupone the saidis tna annalrentis ar redemeabill, as said is, claussis of requisitioun, and to the haill contractis and vtheris securiteis abonespecifeit maid thairanent : Vaicand in our said souerane lordis handis and at his Hienes presentacioun be the lawis of this realme and prinelige of the croun, be reasonn that the said vmqnhill Robert Aytoun, conqueser and last fear, at the leist haveand the last undoubtit heritabill fie of the saidis tna annualrentis, ather be contractis or infeftmentis, wes borne bastard, and sua deceissit without airis lauchfullie gottin of his bodie, or lauchfull dispositioun and alienatioun maid be him of the saidis tua annualrentis and principall sowmes, or onie pairt thairof in his lyfytme. To be haldin and to be haid the saidis tua annualrentis be the said Mr. Dauid Aittoun, his airis and assignayis, off the saidis James Lord Lyndsay and Andro Wood of Largo, thair airis and successonris respectine, siclyik and alsfrilie in al[l] respectis and conditiones as the said vmquhile Robert Aittoun held or micht haue haldin the samin in his lyfytme, be vertew of the foirsaidis contractis maid thairupone ; qnhairvnto our said Souerane Lord, haveand the mndoubtit richt of the samyn makis and constitntis the said Mr. Dauid and his foirsaidis his undoubtit and irrevocabill cessioneris and assignayis, in vberiori forma, etc. : And that the said lettre of presentacioun be forder extendit in all claussis neidfull : With command in the samyn to the said James Lord Lyndsay and Andro Wod of Largo to give heritabill state, seasine and possessioun to the said Mr. Dauid Aittoun, or his acturnay in his name, of the saidis twa annualrentis, yeirlie to be vplifit and tane in maner abonewrittin, conforme to the contractis maid thairupoue : And to ansuer and obey him in all thingis, as thai suld or aucht to hane done to the said vmquhill Robert Aytoun in his lyfytme. Subscriuit be our Souerane Lord, at the day of the yeir of God j<sup>m</sup> and vj<sup>c</sup> yeris. JAMES R̃.

Compositio, fyftie lib. A. M. E. Thesaurar.

13. KING JAMES THE SIXTH giving permission to ALEXANDER, SON of the MASTER OF ELPHINSTONE, to come to Edinburgh. 26th June 1601.

REX.

WE be the tennoure heiroyf grant and gif licience to oure louit Alexander Elphinstoun, sone and apperand air to Alexander, Maister of Elphinstoun, oure thesaurer, to repair to our burgh of Edinburgh, and his fathiris companie, for sik necessar turnes as he hes to do : Notwithstanding that be oure vthir warrand he is commandit to keip waird within oure citie of Sanct Andros, quhairanent we dispens be thir presentis : Prowyding always that he returne to his said waird within the space of anecht dayis nixt efter the dait heiroyf ; be thir presentis, subseryvit with oure hand, at Dalkeithe, the 26 day of Junii, I<sup>m</sup>vi<sup>c</sup> and ane yeiris. JAMES R̃.

14. KING JAMES THE SIXTH to ALEXANDER, son of ALEXANDER, MASTER OF ELPHINSTONE, to renounce his right to the forfeiture of Hew Moncreiff. 8th July 1601.

REX.

ALEXANDER ELPHINSTOUN, sone and apparent air to Alexander, Maister of Elphinstoun, our thesaurar, we greit yow weill. It is our will that ye pas, expedie, subseryve and delyuer sik forme of renunceatioun as sall be presentit to yow, on the behalff of Hew Moncreiff, bruder germane to Williame Moncreiff of that ilk : Dischargeand, transferrand and ourgiffand, in fauouris of the said Hew, all rycht, titill and interes quhatsumeir ye haue, had or hes in and to the said Hewis land, guides and geir quhatsumeir, be virtew of ony gift, presentatioun or infestment, proceeding fra the foirfaltour of the said Hew : as ye will ansuer to ws wponne your dewtie and obedience. Subseryvit with our hand, at Halirudhous, the aucht day of Julii 1601. JAMES R̃.

Indorsed: Ane command of his Maiesties to Alexander Elphinston, auent Heu Moncreife.

15. KING JAMES THE SIXTH to ALEXANDER ELPHINSTONE, Son of the MASTER OF ELPHINSTONE, freeing him from his ward in St. Andrews. 10th July 1601.

REX.

WE be the tennour heirop freithis and releifis our louit Alexander Elphinstoun, eldest lauchfull sone to our trusty counsallour, Alexander, Maister of Elphinstoun, our Thesaurar, furth of his present waird within our citie of Sanctandros ; and grantis him libertie and licence to hant, resort and repair, in all pairtis of our cuntrie at his plesour, without paine, cryme, skaith or danger to be incurrit, or his said fader, thair throw ; nochtwithstanding of the charge and directioun gevin to him for his remaining and keiping waird within our said citie, and promeis maid be his said fader to that effect : Quhairanent we dispens be thir presentis, subseryuit with our hand, at Halyruidhous, the tent day of Julii 1601. JAMES R̃.

Indorsed: My sones libertie out off waird.

16. KING JAMES THE SIXTH authorising ALEXANDER, MASTER OF ELPHINSTONE, and SIR JOHN BRUCE OF AIRTH, his son-in-law, to hawk and hunt in any part of the realm. 13th September 1601.

REX.

WE be the tenour heirop gevis and grantis our licence to our trustie counsallour, Alexander, maister of Elphinstoune, our thesaurar, and Sir Johne Bruce of Airth

knight, his sonne in law, to haulk and hunt in ony pairt of our realme, quhair they pleis, without pane or danger to be incurrit be thame thairthrow in their persounes or guides ; nochtwithstanding quhatsumeir our proclamiounes maid or to be maid in the contrair : Quhairanent and all panes contenit thairintill we dispens, be thir presentis, subscrivit with our hand, at Faulkland, the threttene day of September 1601.

JAMES R̃.

J. SECRET.

Indorsed : Licence to my Lord Tresaurar and the laird of Airth to haulk and hunt.

17. DON GIOVANNI MATTEO SANTI to KING JAMES THE SIXTH, thanking the King for his letter. 30th September 1601.

SIRE,—Plus grand honneur n'y contentement ne me sçauroit arriuér, que le suiet de pouuoir tesmoigné à l'endroit des seruiteurs de Vostre Maiesté l'affection que ie doibs et ay dediée tres humble à son seruice : Le rapport que le S<sup>r</sup> Morgant luy en peut auoir faiet est plus digne de sa courtoisie que de mon meritte : et la lettre que Vostre Maiesté à daigné m'escripre pour eé regard, excède tous les moyens que ie sçauois iamais auoir de recognoistre la singuliere faueur dont il luy plait m'obliger, en seulement agreant cette mienne deuotion ; laquelle ie taschiray testifier de plus en plus à l'endroit de tous les siens, sellon que s'en offriront les occasions, et qu'il plairrà à Vostre Maiesté m'honorer de ses commandementz. Et ores, qu'aupres de Son Altesse elle n'ait besoin n'y les siens d'un si debille instrument que moy, heu esgard mesmes au singulier desir dont Son Altesse est portée à tout eé qui est du seruice de Vostre Maiesté ; si est eé que ie l'oseray supplier tres-humblement de eroire, qu'elle n'y aura jamais personne de la deuotion et hobeissance duquel elle puisse s'assurer d'auantaige, que de celluy qui luy baysant tres-humblement les mains s'y fera tousjours recognoistre pour,

De Vostre Maiesté

Tres-humble, tres hobeissant et tres-dedié seruiteur,

DON. GIO MATTEO SANTI.

Turin, le dernier de Septembre 1601.

Addressed : Au Roi D'Ecosse

#### TRANSLATION.

SIRE,—A greater honour nor satisfaction could not happen to me than the chance of being able to testify, in the place of the servitors of your Majesty, to the affection which I owe and have dedicated very humbly to your service. The report which S<sup>r</sup> Morgant was able to make to you on that point is more worthy of his courtesy than of my merit : and the letter that your Majesty has condescended to write me in that behalf surpasses all the

means which I can ever have to acknowledge the singular favour with which it has pleased you to oblige me, in solely accepting this my devotion ; which I shall endeavour to testify more and more, in the part of all your affairs, according as occasions shall present themselves, and it shall please your Majesty to honour me with your commands. And whenever after his Highness or his affairs shall have no need of so weak an instrument as I am, in regard also to the particular desire which his Highness bears to all which belongs to the service of your Majesty ; if it be so, I shall dare most humbly to beseech you to believe that there shall never be any person of the devotion and obedience, of which he can give more assurance, than he who, kissing most humbly your hands, shall always acknowledge himself, your Majesty's most humble, most obedient, and most devoted servitor,

DON. GIO. MATTEO SANTI.

Turin, the last of September, 1601.

To the King of Scotland.

18. JAMES BETON, ARCHBISHOP OF GLASGOW, to KING JAMES THE SIXTH, in favour of CAPTAIN ELIOT. Paris, 10th December, 1601.

SIRE,—Le Capitaine Eliot estant venu pardeça s'est monsté fort affectionné seruiteur de Vostre Maiesté, en tons ses discours, ramentenant la faueur et liberalité quil a pleu a Vostre Maiesté exercer en son endroit ; et m'a faiet entendre quil s'en retournoit expres vers Vostre Maiesté pour quelque service signalé quil pretend de faire et tesmoigner tousiours de plus en plus l'obligation quil a a Vostre Maiesté. Et n'estant ceste presente a au[tr]e effect, apres auoir treshumblement baisé les mains de Vostre Maiesté je prieray le Createur, Sire, quil luy plaise octroyer a Vostre Maiesté en toute prosperité et santé tres-heureuse et longue vie. A Paris, ce dix<sup>me</sup> jour de Decembre 1601.

De Vostre Maiesté, treshumble et tresobeissant, subiect et orateur,

JA. ARCHEUESQUE DE GLASGO.

Au Roy.

TRANSLATION.

SIRE,—Captain Eliot having come to this side has shown himself a very loving servitor of your Majesty, in all his speech expressing the favour and liberality it has pleased your Majesty to exercise on his behalf ; and he has let me understand that he is returning thence express towards your Majesty for a certain signal service, which he professes to do, and to testify always more and more the obligation he has to your Majesty. And having nought at present to other effect, after most humbly kissing your Majesty's hands, I beseech the Creator, Sire, to be pleased to grant to your Majesty, in

all prosperity and health, a very happy and long life. At Paris, the 10th day of December, 1601.

Your Majesty's most humble and most obedient subject and orator,

JAMES, ARCHBISHOP OF GLASGO.

To the King.

19. KING JAMES THE SIXTH to the PROVOST and BAILIES OF EDINBURGH, to keep Patrik Mortymer of Inzeane, in the tolbooth of Edinburgh, 23 April 1602.

REX.

PROVEST AND BAILZEIS of our burgh of Edinburgh, we greait yow weill. Forsamekle as Patrik Mortymer in Inzeane was ordourlie denunciit rebell, and put to our horne at the instance of Robert Joussie, for nocht fliting and removeing fra the landis of Inzeane, as our lettres of horning directit thairanent beris : Qnhairthrow ve gaif and grantit our commissioun to certane persones thairin continit, to tak and apprehend the said Patrik : And be vertew of the samyne our trustie and veilbelouit counsalonr, Alexander, Maister of Elphinstoun, hes taine and apprehendit onr said rebell. Our will is heirfoir, and we command yow immediatlic eftir the presenting of the said Patrik to yow, or ony of yow, that ye ressawe him within your waird of the Tolbnith of our said burgh, keipe, hald and detine him in sure firmance thairin, ay and qnhill he obey the command of our saidis lettres directit at the said Robertis instance, and quhill he satisfie all parteis havcand interes to the saidis landis, as law will. And this on na vays ye disobey, nochtvithstanding of qnhatsumevir varrand or command to be givein be ws in the contrair ; as ye will ansuer to ws vpone your obedience and vndir all hiest paine we pleais adwiis : Quhairanent thir presentis salbe your varrand. Subscrivit with our hand, at Dndop, the xxij day of Apryll, the yeir of God 1602.

JAMES R̃.

20. KING JAMES THE SIXTH—Warrant for a Lease to Alexander, founrth Lord Elphinstone, of the Forest of Torwood [c. 1605]. Draft imperfect, but the snperscription is in the King's hand.

JAMES R̃.

QUHAIRAS oure forrest of the Torwode is destroyed and revin out by thame quho pretendis to be forrestaris and keiparis thairof, to the effect it may of new be parkeit, hayneid and plenished with deire and raes, to our pleasure and contentment, the auld wode presernit, the young growthe nwrished, and the medowis and pastures presernit : It is our pleasure, considering the guide trew and thankfull service done to ws be our trustye cowseing and counsellour, Alexander, Lord Elphinstoun, and his caire to hayne

and parke within his awin proper bonndis and heretaige, that ye vpoun the conditionns and to the effect foirsaid dispone vnto him ather in tak or few the said forrest, with the pertinentis belanging thairvnto, for payment of the auld rental with agmentationn, and hayneing, parking and preseruing of the forrest foirsaid : Reseruing to the heretabill forrester that quhilk is dew to him, he doand his service thairfoir as apperteynis, etc. [Not signed or dated.]

Indorsed : Warrant to the Comtroller anent the Torwod.

21. KING JAMES THE SIXTH—Dissolving the Torwood from the Act of Annexation, in favour of Alexander, fourth Lord Elphinstone [c. 1605]. Incomplete draft, superscription in the King's hand.

JAMES R̃.

OURE SOUERANE LORD, with advyise and consent of the estaites of parliament presentlye conveynit, dissolues the act of annexatioun of his Maiesties proper landis to the crowne, in safar as thairby the wod and forrest callit the Torwode, with the boiges, blaires, medowis, schawis, tour, maner plaice, honsses, yairdes, vtheris pairtis and pendiclis thairof, ar ather generally or specially annexit to the said crowne : And that to the effect that, the same being dissolved, his Maiestie, for the guide and thankfull service done to his Hienes be Alexander, Lord Elphinstoun, may sett the same in few ferme heretably to the said Alexander, Lord Elphinstoun, and his aires maill, and of tailzie to be specifiet in the said infetment, for payment of the auld dewtye with sum augmentatioun of the rental : And hes ordaneit the said act of dissolutioun of the landis abowespecifeit to be extendit in maist ample maner.

Indorsed : Dissolutioun of the Torwod.

22. KING JAMES THE SIXTH to ALEXANDER, LORD ELPHINSTONE—Lease of the Forest of the Torwood for five years. [1605.]

JAMES R̃.

OURE SOUERANE LORD, with advyise of Daid, Lord Scoine, his Maiesties Comptroller within the kingdome of Scotland, ordanis ane lettre to be maid vnder the privie seall in dew forme, makand mentioun, that quhairas his Maiesties forrest and wode callit the Torwode, with the schawis, boiges, blaires, medowes, and vther pertinentis belanging thairto, ar in decaye, be ressoun the tries and growand timber thairof hes bein daylie cutt down and destroyed, and thair hes bein na haïneing or saiveing for the young gronthie : Qnhairby, if remeid be nocht preventit, the forrest wilbe altogether without wode or tries, to the greit impaireing of his Maiesties game and pastyme,

quhilk that forrest wald affoorde in caice the same war weill keipit : And his Hienes considering that thair is nane mair meitt for the keiping of the same than Alexander, Lord Elphinstoun, quhais nar residence be his ordiner duelling will give him guide occasioun to haif regairde thairof, and his many greit serviees done heirtofor to his Hienes greit pleasure and contentment, gives his Maiestie the greittar caus to put truste and confidence in him : Thairfor our said Souerane Lord, with advyise foirsaid hes sett, and in tak and assedatioun lattin, and be the tenour heirof settis and in tak and assedatioun lettis, to his Hienes said trustye cowseing and counselloure, Alexander, Lord Elphinstoun, his aires and assignayes, the hail boundis of the said wode and forrest callit the Torwode, with the schawis, boiges, blaires, medowis and vtheris pertinentis thairof, for the spaice of fyve yeiris nixt and immediatlye following his entrie thairto ; quhilk salbe and begin at the feist of Witsonday nixtocum in the yeir of God <sup>j<sup>m</sup></sup> sex hundreth and fyve yeiris ; and fra thyne furthe to endure dureing all the said spaice of fyve yeiris, frielye, quyetye, without troubill, impediment or interrnptioun : With power to the said Alexander, Lord Elphinstoun, and his foirsaides, be thame selfis and sick vtheris quhome thay sall depute and appoynte, to keip the said forrest and wode, and to pasture his cattell, guides and bestiall, within the same, and to debar the cattell and guides of all vther persones quhatsoever from pasturing within the same or ony pairte thairof, vther thau siek as salbe permitted be him and his foirsaides : And with power to him to mak keiparis, ane or mae, for that effect, and to remove all vtheris, and in his awin name to mak wairueing, if neid be. It is alwayes provydeit, that the said Lord Elphinstoun and his foirsaides, dureing the said spaice of fyve yeiris, sall nawayes haif libertye ather to cutt or destroye any pairte of the growand tries within the said forrest and wode, or to teill or ryve out any pairt or portioun of the same : Bot he is specially heirby astricted to keip and hayne the samine for the increas of the young grouthe : And quhanevir it sall pleis his Hienes for his Maiesties game and sporte to imparke any pairte thairof, for plaiceing of deare and vther beastis of pastyme thairin, that he sall vphald the dyikes about the parkes, and haif ane speciall caire of the keiping and preservatioun thairof : Reseruand alwayes to sick as may pretend any heretabill forrestarye of the said forrest all fies, dewtyes and privilegedis, quhilkes iustlye and by law apperteynis to thame ; thay doand to the said takkisman and his foirsaides all services and dewtyes, quhairin by thair saidis riehtes thay ar astricted : Payand thairfor yeirlye the said Alexander, Lord Elphinstoun, his aires and assignayes, to our Souerane Lord, and his Maiesties comptroller foirsaid in his Hienes name, fiftye caircaiges of beif, together with ane carkaige of beif in augmentatioun of the auld rentall, mair nor the said wode and forrest payed of befor, to be delyverit to his Hienes comptroller at the feist of Martimes yeirly and ilk yeir, beginnand the first yeiris payment and delyvery at the feist of Martimes nixt in the yeir of God

j<sup>m</sup>vjc and fyve yeiris, and sua furth yeirlye thaireftir, dureing the haill spaice abowe specifiet. And forder oure Souerane Lord faithfullye promittes *in verbo principis*, that the said wode, forrest and vtheris abowementionat sall in the nixt parliament of Scotland be dissolueit to the effect the samine vpoun the conditiouns abowe rehersit, and for the dewtyc abowe writtin may in few ferme be heretablie disponeit to the said Alexander, Lord Elphinstoun and his foirsaides; and als hes ordaineit this present lettre to be extendit in ample maner with all claussis neidfull. Gevin at the day of 160 .

FYVIE.

COMPTROLLER.

J. L. BALMERINO<sup>t</sup>.

S. T. HAMILTON.

Indorsed : Tak of the Torwod.

23. JOHN SPOTTISWOOD, Archbishop of Glasgow, and ALEXANDER DOUGLAS, Bishop of Murray, to KING JAMES THE SIXTH, about "deserting of the Conventioun." 6th July 1605.

SIRE,—Pleis your Maiestie,—Be the gud meanis of my lord the Erle of Dumbar, we haif met with sum cheif of the counsall heir; and efter a fre and loving conference withe tham, twiching the materis of our kirk, haif fund, that it salbe very hazardouse to vrge that busines in the nexte conventioun, the estaittis not being preparit so weill as neid war. Quhairvpon, fering that a small crossing of those effairis in the entrie might render the qhole worke afterwardis more difficill, to the disapointing of your Maiestie's royal designes, we intreatit thair lordships to deserte the said conventioun, and continew those materis to the nexte sessioun of parliament, excepte in the mean qhyl sun better occasioun wer presentit. And this we haif done so mucche the more, that we fand al thair lordshipis opiniounis agreable, and that we haif resavit thair faythfull promise of favoure and concurrence to the effectnating of that service, qhilk we assure our selfis thai wilbe cairfull to perform. This we estemit our dewtie, to acquaint your Maiestie withe thir proceedingis, as we must alwayis be bold in this sorte, hafing no other refuge than your Hienes in al our straittis. And for our selfis, we promise al fidelitie and diligence in the pursewing of this service, with qhatsumevir hasarte; with humble prayers at al tymis according to our dewties for your Maiestie's longe lyf, and prosperous regne.

Your Maiesties humble and obedient servantis,

GLASGOW.

A. MURRAY.

Edinburgh, the sexte of Julii 1605.

Addressed :—To his most excellent Maiestie.

24. THE PRIVY COUNCIL OF SCOTLAND to KING JAMES THE SIXTH, about "the deserting of the Convention." Halyruidhous, 16th July 1605.

MAY IT PLEASE YOUR SACRED MAIESTIE,—The deserting of the conuention, which was appoynted by proclamation to haue bene the viii<sup>th</sup> of Auguste (agreed vnto, and founde expedient for the good of that erand in a meeting of a number of vs with the Byshoppes, by the Earle of Dunbar hauing your Maiesties direction for that effecte), wee remitted to be certified to your Highnes by a letter from the Byshoppes. In which meeting wee haue so well agreed, euery one of vs for our owne partes, as, wee hope, our vnanime proceeding shall free your Maiestie of any suspition of drawing the catte-harrow in that seruice, whereof your Highnes hath so greate care; and which wee, and euery one of vs, shall trauell to effecte to the vttermost of our power, as the Earle of Dunbar will more particularelie certifie your Maiestie.

For, howsoeuer, it be giuen out that that mater is so easie, and will haue no opposition, yet wee finde the contrarie in so manie as wee haue essayed; albeit they couered them selues with an excuse, against the which exceptions could hardlie be taken, that a conuention could not touch any thing which was authorised by parliament; and so they tended to remitte it to the parliament. Neuerthelesse, as the Byshoppes haue vndertaken, for their parte, to doe their diligence, so shall wee doe all that in vs lyeth to remooue whatsoever impedimentis may breed any preiudice to that affaire.

And by God his grace, as wee haue hitherto labored at our power to haue maters concredited to vs brought aboute to your Maiestie's contentment, so in this there shall no respecte withdraw vs from that care which wee ought to haue to see that course of Church-reformation brought to the perfection, by your Maiestie so royallie intended, and happily begun; as wee hope the Earle of Dunbar (who hath done verie good offices in this negotiation and many other since his comming h[ere]) will at meeting giue your Highnes more ample information.

And thus most humblye crauing pardon for [our boldenes], wee shall euer contynue our most earnest prayers to God for your Maiestie's long and prosperous reigne with eternall felicitie.

Your Maiesteis most humble seruantis,

Halyruidhous, 16 July 1605.

Indorsed: Counsell to his Maiestie, 16 Julii.

AL. CANCELS.  
J. L. BALMERINO<sup>r</sup>.  
D. L. SCONE.  
S. T. HAMILTON.

## 25. THE PRIVY COUNCIL OF SCOTLAND to KING JAMES THE SIXTH, about Patrick, Earl of Orkney. 2nd August 1605.

MOIST SACRED SOUERANE,—Thair hes bene a nomber of complaintis gevin in aganis the Erll of Orkney be the inhabitantis of that cuntrey, quho efter lang pley haueing recouerit decreitis, and vsit the ordinaire executioun of hoirning and treasoun aganis him, he hes dissobeyit, and continewis dissobedyent, without ony intentioun, as appeiris to ws, to conforme him self to law and reasoun. We haue delt particularlie with him be oure lettres, that he wald purge him self of this rebelloun, and in some measour gif contentment to your Maiesteis subiectis quhome he hes distressit, bot he hes returnit ws no ansuer. And now the complenaris being dispairit of his obedyence, thay haue craved a commissioun to thame selfis, for the persute and apprehensioun of him, and reduceing of him to the obedyence of the law, quhilk they haue promiseit to execute vpoun thair awne hasaird. This mater, being disputit in counsaill, it wes thocht a noualtie and preparative of ane euill example to pas a commissioun to the pairty, quha without respect to quhatsomeuir hasaird or inconuenient, bot in revenge of thair awne particulair, wald execute the same; and thairfoir we thocht it mair expedient to acquent your sacred Maiestie heirwith, to the effect your Heyghnes may tak sic other course with him as may move him to be obedyent: And sua praying God to grant vnto your sacred Maiestie a lang and prosperous reigne, we moist humelie tak oure leue. Frome your Maiesteis burgh of Edinburgh, the secund day of August 1605.

Your Maiesteis moist humble and obedient subiectis and seruitouris,

SANCTANDROIS. AL. CANCELL<sup>r</sup>.

GLASGOW. ROS.

JO. PRESTOUN. S. T. HAMILTON. SECRET<sup>r</sup>.

To the Kingis moist excellent Maiestie.

Indorsed: Counsell to his Maiestie anent the oppressit by the Erle of Orkney.

## 26. JOHN, THIRD EARL OF MONTROSE, to KING JAMES THE SIXTH—Personal explanations. 10th August 1605.

PLEIS YOUR SACRED MAIESTIE,—No greater ioy could come vnto me, nor that whiche I did receave off my Lord of Dunbar be your Maiesteis most gracious lettre, as also be his report of your Maiesteis weillfair, and cair touardis me, your Heghnes seruand, whiche encouragis me in this my old aige to become young in my former effectioun to serue your Maiestie, as tyme and place sall giue euident prwfe thair of; and will remit sum part of that to this your Maiesteis trusty consallour, who hes behauit and kythit himself

as a maist faithfull and dewtefull subiect in all respectis vnto your Maiesteis honour, and great contentement of all your subiectis heir, as euer any did heirtfoir ; that I war maist ondeutefull if I did not signefie these thingis whiche occuris heir. Bot being persuadit your Maiestie is moir fullie acquentit be wtheris uor I am able to wreit both of sik materis as hes past amongis the ministrie, and wtheris iu counsall and sessioun, whair my attendance and onwaitting hes bein contenuallie, and sall not wrie to do all that lye in my pouar but respect of whatsumeuer, sua it content your Maiestie. A litle eftir my hamecuming from your Maiestie sum malitious popill presit to haue interpret the dimitting of the place of chancellarie to sum wther forme. And that my freindis suld haue bein discontentit thairwith, whilk I assure your Maiestie thair discontentment was not for that bot for sum litle domestik trifflis : bot nou ar all sua weill contentit and thinkis your Maiestie hes had gretar cair of me nor any culd wische ; and will blis and pray for your Maiesteis protection of me in that rowme whairwnto your Hieghnes hes committit to my charge ; whiche I protest salbe maist vigilantlie dischargit to the verie wtermost of my lyfe. And thus most humblie takin my leaue, I kise your Heighnes sacred handis ; will commit your Maiestie to the protection of the euerlesting God, shall rest and remane, your Maiesteis maist humble and obedient subiect aud servitour to deathe,

MONTROISS.

Halyrudhous, the 10 of August 1605.

To His Royall Maiestie.

Indorsed : Erle of Mountroiss lettre to the King, 17 August 1605 [*sic*].

27. THE PRIVY COUNCIL OF SCOTLAND TO KING JAMES THE SIXTH—The Earl of Dunbar. 10th August 1605.

MAY IT PLEASE YOUR SACRED MAIESTIE,—We haue euir since the heircomeing of the Earll of Dunbar had daylie occasioun to try the dispositioun of euery mau in your Maiesteis seruice, quhairin his presence hes wrocht so goode effectis, as we can not be ony langair silent, bot rander your Maiestie moist humble and hearty thankis for permitting to ws so goode assistance in so uecessarie a tyme, and crave your Maiesteis fauour, that at least once a yeaere we may haue him amang ws, that as by his advise we may be not a litill helped, so he may testifie to your Maiestie quhat oure parte is, quhilk mouy behaldaris thiukis to be verie licht.

It is no small happynes to him to haue ressaut so mony honnouris and fauouris of your Maiestie, and no lesse praise to your Heyghnes, with so grite wisdom to haue bestowed the liberall rewarde of so lang and faithfull seruice, quhairin the admiratioun is so muche the moir that althoicht his vnfreyndis heir had haitfullie gevin mony

things aganis him ; and speciallie that his comeing heir wes for a taxationn of iij<sup>c</sup> thousand pundis to be layed vponn the cuntrey, for subnersioun of ecclesiasticall discipline, debarring the ancient nobilitie frome thair preuiledgeis in counsell and othis : Yit he wes ressaut with so grite applause of all honnest men, his dignitie quhairwith your Maiestie decernit him to be graceit, wes yealdit to him with that concourse of noblemen and allowance of the meaner sorte as euery man appeared to be encourageit by that paterne of a liberall and gracious sonerayne, to a faithfull sernant, to do his best endeouris to rander him selff worthy of his rewarde, with assurance not to be disappointit, gif following his footestoppis he go on the same course vnder so liberall and graciouslie bonntifull a maister.

The monyfauld benefeitis we haue ressant (althoght vnworthy of the smallest of thame) and oure honnest intentionis to serve your Maiestie (ministring ws hoip by his example that we shall not think onre labouris ewill bestowed) haue gevin ws this presumptionn to rander thankis vnto your Maiestie for the honnour quhill it hath pleased your Heyghnes to bestow vpoun him, quho hath so weill deserued. Humelie craving your Maiesteis fauour, that some tyme we may haue him heir with ws, and that your Heyghnes wald be pleased to judge boith of him and ws in your accustomat princelie wisdom, as we sall pretermit no point of your Maiesteis seruice to the vttermoist of onre pouer.

And thus humelie craving your Maiestie pardoun for oure presumptionn we sall enir continew oure moist eirnist prayeris for your Heyghnes long and moist prosperous reigne. At your Maiesteis palice of Halirnidhons, the tent day of August 1605.

Your sacred Maiesteis moist humble and obedyent subiectis and seruitouris,

AL. CANCELL<sup>r</sup>.



D. L. SCONE.

S. T. HAMILTON.

Indorsed : Counsell to the King. 10 Aug.

28. THE PRIVY COUNCIL OF SCOTLAND TO KING JAMES THE SIXTH, as to ecclesiastical matters. 27th August 1605.

PLEIS YOUR MOIST SACRED MAIESTIE,—We ressaut, and hes considderit at lenth, with no small contentment, your Maiesteis moist worthy labouris for the confutatioun

of that pretendit Assembly haldin at Abirdeyne : The quhilk as it in the selff by no reasoun can be manteynit, so quhen we pervsed these vive and trew groundis quhairby your Maiestie, so sensiblie and succinctlie, layed oppin thair erroris, and that thair doings wes established by none of those warrandis, quhilkis thay vntrewlie pretendit, as we haue found oure selffis the better confermit in oure formair opinioun, so by the publicatioun we haue maid of that moist excellent discouris, quhairin euery man may see the trew anatomye of a lauchfull Assemblie, and how the same moist be warrandit, we perswade oure selffis that nouthir minister nor other subiect, quho is led by reasoun, acknaulegis your Maiesteis royall autoritie, or loveis the weil and quietnes of the kirk, bot will alluterlie condemne the said meiting, and iudge the authouris and fosteraris of so insolent and presumptuous ane act worthy pvnishment. And albeit we could wishe thir few number that hes attempted this enormitie to acknaulege thair error, and that for the sclander of thair professioun the memorie of it wer abolisheit, yit gif it pleis your Maiestie, quho best knawis quhat remeidis ar fittest for sick disperat diseassis, quhair of your Royall Maiestie hes cured verie mony, to prescryve the forme, we shall prosequute the same without respect of persone.

We haue this day examined sax of the principallis that wer in the Blaknes vponn these interrogaturis we ressaut frome your Maiestie. Thair ansueris, vnder thair hand, we haue send to the Erl of Dunbar, to be sene at your Maiesteis oportunitie : So humblie craving to be directit by your Maiestie in thir affairis, speciallie of the kirk, the peace quhair of hes onlie lyffe frome your Maiesteis princelie cair, as we shall imploy oure weak endeuoiris to follow furth the same to your Maiesteis contentment, we wische your sacred Maiestie, in all felicitie, a lang and prosperous reigne. From your Maiesteis burgh of Perth, the xxvii day of August 1605.

Your Maiesteis moist humble and obedyent subiectis and seruitouris,

MONTROISS.

HALYRUDHOUS.

J. L. BALMERINO<sup>r</sup>.

JO. PRESTOUN.

S. T. HAMILTON.

P. DÜKELD.

To the kingis moist excellent Maiestie.

29. KING JAMES THE SIXTH to MARK KERR, EARL OF LOTHIAN, JAMES, LORD BALMERINO, and others, to settle the North Isles. 13th July 1607.

JAMES R̃.

RIGHT TRUSTIE and weilbeloved couseingis and counsellouris, we greit yow weil. Being fully certified by the Lord Scone, comptroller of our rentis in that kingdome, of the articles and condic[i]ous of that paction betwixt him our officiare and the Erle of Ergyle concerning the South Iyles, we have allowed verie well of his haill proceadingis.

And now synce the North Iyles belonging to that our kingdome are nather brought to obedience, nor yett that we doe ressave anye proffitt thereby ; therefore alswell for setting dounce of a ressonable rental in a dew proportion with that which is of the South Iyles, with a consideration alwayes of the diversitie of the goodnes of the land, as for advysing vpon the best and reddiest meanes to have those Northerne Iyles brought to obedience, and who are the fittest instrumentis to be employed therein, we have made speciall choice and selected yow of the nowmer of our counsell there to assist the said comptroller, in consulting alswell vpon the rental as the meanes of quyeting those boundes, and to acquaint vs therewith, with all convenient speade ; wherein ye sall doe vs acceptable service and pleasure. And so we bid yow farewell. From our courte at Theobaldis, the xiiij of Julii 1607.

To our right trustye and weilbeloued couseingis and counsellouris, the Erle of Louthiane, the Lord Balmerinoch, Sir Johne Skein of Curriehill, knight, and Mr. Johne Prestoun of Pennicuik, our commissioneris to the effect within writtin, with Lord Blantyre and our aduocatt.

30. KING JAMES THE SIXTH to JAMES, LORD BALMERINO, Secretary of State—  
The condition of the Lewis. 29th July 1607.

JAMES R̃.

RIGHT TRUSTYE and weilbeloued counsellour, we greitt you weill. The ewill fellowship and slacke concurrence of sum of these parteyneris of the Lewis, haveing bein the only caus of the miscareing of that haill service ; and we vnderstanding that sum of the same parteineris ar willing ones againe to hazairde in that mater, if thay may be rid and maid quyitte of suche of thair fellowis, who in thair former societie did nothing bot hinder the service : We ar thairfoir to will you to sie and consider be what meanis this separatioun may be maid, and aduertise ws thairof, that we authorizeing the same, these who will yit adventure the prosecuteing of the service may be encouraiged to go fordward thairin, knowing assuredly that thay salhaif no pairteyneris bot suche as wilbe yockefellowis in all thair burdeynis and debursementis : And heirin ye will do ws acceptable pleasure and service. And so we bid you fairweill. Frome our courte at Windsoire, the xxix of Julii 1607.

To our right trustye and weilbeloued counsellour, the Lord Balmerinoch, our Secretary of that our kingdome of Scotland.

31. KING JAMES THE SIXTH to ALEXANDER, LORD ELPHINSTONE—Allowing him to send coals out of the kingdom. 12th April 1608.

JAMES R̃.

WE, be the tennour heirof, gevis and grantis licence to our traist consing and counsellour, Alexander, Lord Elphinstoun, his factouris and seruitouris in his name, to cary and transporte furth of our realme ten thowsand chalderis of great coillis, and to sell and dispone thairnpoun at thair pleasour, without pane, cryme, skaith, or dangeir to be incurrit be thaim thairthrou, in thair personis, goodis, or geir; nochtwithstanding whatsomcuiŕ oure actis, statutis, or proclamationis maid in the contrair: Wheranent and all panes contenit thairintill, we dispens be thir presentis. Gevin vnder our signet, at Edinburgh, the xii day of Aprile 1608.

AL. CANCELL<sup>r</sup>.

G. CAITHNES.

LINLY<sup>r</sup>G<sup>w</sup>.

J. SECRET<sup>r</sup>.

ABERCORNE.

A. L. WCHILTRIE.

J. HAY, Comptroller.

On back: Apud Edinburgh, xii Aprilis 1608. Red, past, and allowit in consell.

J. PRYMROIS.

32. KING JAMES THE SIXTH to JAMES, LORD BALMERINO, Principal Secretary of Scotland—Mr. Alexander Hay appointed secretary at Court. 12th June 1608.

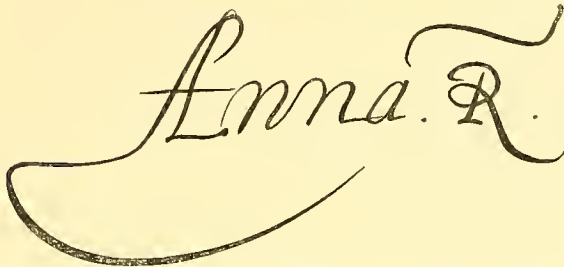


RIGHT TRUSTIE and weilbeloved counsellour, we greit yow weil. The occasioun of your continewall staye in that kingdome, inforced by your manifold imploymentis in our service (being a iust reason to excuse your absence and not attendance vpon vs here) hes moved vs, without anie pretendit preiudice vnto yow, to take some course to be served by Mr. Alexander Hay as our secreatarie, who shall continewally attend vs here at our courte for the dispatch of the affaires of that kingdome: Wherein knowing that our choice herein will so much the better please yow as that he is one who having served vnder yow in that office, and of whome in that regarde yow maye be the more

assured, he also hes indeavoured himself heretofore to doe vnto yow all the good offices in his power : And albeit his owne meritt be as yet small and vnworthie of such favour, nevertheles the memorie of his vmquhill fathers good services did induice vs hereto, for a testimonyc of our continewing affection to our weill deserving servantis after there death, to take this course, both for encourageing of the pairtye himself to follow his father's futestepps, and that all vthers of our servantis may persaive what assurance they have of our affection and willingnes to preffer there children after there death, whenas we sall finde a good deserte and meritt in there person, and therewith anie hopes in their ofspring. Wherein remitting the signification of our pleasure to our right trustie couseing and counsellour, the Erle of Dounbar, whome we will yow to truste and creditt herein, we bid yow right hartie fareweill. At our Mannour of Greenwich, the xii of June 1608.

To our right trusty and welbeloued counsellour, the Lord of Balmerinloch, our principall Secretarie of our kingdome of Scotland.

33. ANNE, QUEEN OF KING JAMES THE SIXTH, to JAMES, LORD BALMERINO—Trial of Margaret Hartsyde. 15th June 1608.



The image shows a handwritten signature in dark ink. The word 'Anna.' is written in a cursive script, followed by a large, ornate initial 'R.' that extends into a long, sweeping underline across the bottom of the signature.

RIGHT TRUSTY and welbeloued counseller,—Altho at your last pairting from this wee did expect some better euent in Hartsydes tryall then the report thereof sent from yow hath brought to vs, yet wee will neuer doubte of your fidelitie and dutifull cariage therein, nor will not be vnnmyndfull thair of ; and altho it hath comed to our eares, which might in some measure give ws discontent, yet we resolve to give no full trust therto till wee have better tryall. What the king hath desyred yow will know by his letter ; wee make no doubt but your ansuer will be conformable to our mynd, which by our letter to the chancellar yow will more particularly vnderstand ; and as yow shall think it expedient, let warrants be sent to ws to be signed by the king for forder execution of our pleasure ; for wee heir that Mr. Alexander Hay is to go to Scotland. Wee ar informed that her iugement hath been after the laws of England,

and that by the lawis of Scotland it could not chuse but be declared thift ; which wee must think uo lytill ouersight, if it be true. But wee know what hiuderance yow all have had to worke that matter to our effect, and vpon what respects it is done ; but time will try all, and furneis ws meaues to acquyt such deserts, as also to be thankfull to your self and others, who in this particular, wee doubt not, have been towards ws truely affected. So wee bid yow hartely farewell. Greenwich, 15 June 1608.

To our right trusty and welbeloued counsellor, my Lord of Balmirynogh, secretaire of Scotland.

34. ANNE, QUEEN OF KING JAMES THE SIXTH, to ALEXANDER, EARL OF DUNFERMLINE, and others—Complaints of their conduct. 15th August 1608. [Contemporary copy.]

RIGHT TRUSTY and welbeloued cousin and consellers,—We haif often heard of your undeutifull cairiages in his Maiesteis seruices, and much talkit verie confidentlie to that effect. If your deseruings be such, in place of a defender, you sal haif us your gretest enneme, for we wish nothing moir then that his Maiestie may euer be serued with worthie and honest men. Bot if you proue honest, and be able to ansuer for your selfis, as ue doubt not you will, then be assurit that to our pouer ue uil stil protect you in your honest cause, til the contrair appeir. We doe not doubt bot Dumbar uil, as he promiseit to us, be loth to doe ony of you urong, and uill treulie report as he seis you to mereit, and uil put a difference betuein enuie and particulareteis of your unfreindis, and the coulour thai pretend of his Maiesteis seruice, and uill contenou eurie uay deutifull to us and freindlie to those we uorthely affect, which if he troulie do, being certifeid therof from you, we uill at his returne use him uith greater respect. In the mean tyme, to the end ue may be the better informet of all your proceidings, and that you may proue your selves as you haif bein to his Maiestei, faill you not uith couenient occasion to repair hither one or all of you and ansuer for your selves, otheruais ue uil be moued to think the hardlier of you. So we bid you hairtly fairuell. Holmby, 15 August [1608].

Indorsed : “Copie of Her Maiesties letter to Chancellor, President, and Advocat, 15 August 1608.”

35. THE PRIVY COUNCIL OF SCOTLAND to KING JAMES THE SIXTH, reporting the expedition to the Isles. 6th October 1608. [Contemporary copy.]

MOST SACRED SOUVERAYNE,—The Lord Vchiltrie, your Maiesteis Lieutenent over the Ylaudis of this kingdome, haueing, with a verie good succes, returnit from that

expeditioun, and making his appeirance befor ws vpoun the fyift and sext of this instant, he hes gevin vnto ws a full accompt of his whole course and progres of his proceedingis in that service; the particularis wherof we haf send vp in dew and autentick forme to your Maiesteis secretarie, to be imparted and shawine be him to your Hienes, that efter consideracioun thair of your [Maiestie] may returne vnto ws your gracious will and pleisour, what farder your Maiestie will to be done in that mater; quhairvnto we sall conforme our selffis. And sua recommending your sacred Maiestie and royall progenie to Godis divyne protection, we rest for evir, your Maiesteis moist humble and obedient subiectis and servitoris,

AL. CANCELL.

BLANTYRE.

HALIERUIDHOUS.

BALCLEUCH.

JAMES HAY.

Edinburgh, 6 October 1608.

Indorsed: "Copie of the Connellis lettre to his Maiestie, anent the mater of the Ylles. Daitit 6 October 1608."

36. JAMES, LORD BALMERINO, to QUEEN ANNE, wife of KING JAMES THE SIXTH, craving her Majesty's intercession. 12th November [1608]. [Contemporary draft or copy.]

PLAES YOUR MOST EXCELLENT MAIESTIE,—I hope your Maiestie will excus my presumption, if, of your gracious favour, having been in truist of your Maiesteis particuler services thir many yearis, now in this my extremity I humbly crave your Maiesteis intercessioun for appeasing his Maiesteis wrathe aganes me. For as I know your Maiestie to be alwayis respectife of his Maiestes honour, so if evir I had a thocht in this lettre, which so displesis his Maiestie, other then for his honour and the advancement of that which he is now happely cum to, God let me nevir find ither pardone in heavin, his Maiesteis clemency nor your Maiesteis intercessioun heir. And if his Maiesteis displesur war not so extraordinar, which is my greitest sorrow, if the lyik war to be done agane, wpon good intentioun to facilitat him another kingdome, with the allowance of als many his Maiesteis wyiss and trewly affected freindis, but engaging his Maiesty in any conditions aganes his honour, conscience, or state, I ame persuadit that in a happy mannis hand the event of such a service might so fall out to his Maiesteis contentment as it suld not procure so hard a censure. Alwayis I haif confessit the whole treuth, and hes absolutly submitted myself in his Maiesteis will. And so my humble sute to your most excellent Maiestie is to procur at his Maiesteis hand a patient remembrance of all my bygane service, more then worthely recompensed, sum consideratioun what my service to cum may avail the state whair I was borne, my intentioun in this offence, and how litil satisfiactioun my wndoing will

yeald to those who by thair detestable bookes and fals calumnyis hes thus exasperated his sacred Maiestie. All which, being in his Maiesteis rare wisdome gravely weyed, and his Maiesteis displesur by your most gracious iutercessioun sumwhat temperit, I do assuredly hope that his Maiesteis honour, which evir was and salbe to me deirar nor my lyif, being satisfyed, your Maiestes credit wilbe pouerfull aneuch to preserve me from a more rigorous payne nor my intentionn hes deserved. And that his Maiesty, in his trew justice, which hes evir been clemeucy, will so cleir his honour and mak my offence knowin to the worlde, as all honest men will exhoner his Maieste of that imputatioun; and I be not desabled heirafter to serve your Maiesteis bothe, and my cuntrey in these services, whairof in your wisdomes I salbe thocht capable. Thus not doutting but your most gracious Maiestie, remembering my long service, will take this my boldenes in good part, most humbly kissing your handis, I shall evir pray for your Maiesteis incress of all honour and happines,

Your Maiestes most humble and most bound servand,

J. L. BALMERINO<sup>r</sup>.

12 Novembris.

Iudorsed : "Copie of my lettre to the Quenis Maieste, 12 Novembris."

37. JAMES, LORD BALMERINO, to QUEEN ANNE, craving that his pardon might be passed. Falkland, 10th May 1609.

Copie of the lettre to the Quenis Maiestie.

PLEIS YOUR MOST EXCELLENT MAIESTIE,—Excuse my extraordinar importunity in urging that my pardone may be exped, at lest that it may be sigued and deponed in your Maiesties keiping, whairin God is my witnes, I haue nocht sa greit ane cair of my awin lyife as of your Maiesties honour. For, siuce the world hes taken notice that your Maiestie of your priucly fawour hes engaged yourself to preserue me, if any thing sould fall furth contrair to your Maiesties exspectatioun, it wald be no lytill stayne to that reputatioun, which hes hithertillis made your Maiestie both loued and respected of all Europe. By what policy it is iutendit to circumwein both your Maiestie and till oudoo me, the bearer can informe your Maiestie; and I will assuir your Maiestie the delay of my pardon will proue no les hurtfull to me uor aue flate refuse. If your Maiestie could be pleased to imploy Sir Robert Ker, whom I haue beuefited, to facilitat my sute, I dout nocht but it sould proue weill. Praying your Maiestie most humblie to pardoue my presumption, to whose wisdome as I can ade nothing, so your Maiesties ondeserved cair and loue I and all myn will neuer be able to acquyt. God of his infinit mercy graut your Maiestie increse of honour and contentment, and me or sum of myne that

happines that your Maiestie by our poor service may think your princle paines nocht improfitably bestait. Your most bound poor serwand,

J. L. BALMERINO<sup>t</sup>.

Falkland, the 10 of Mey 1609.

38. JAMES, LORD BALMERINO, to QUEEN ANNE, craving her intercession with the King to obtain his pardon. c. 1609. [Contemporary copy.]

THE QUENIS MAIESTIE,—These ar most humbly to request your most gracious and most excellent Maiestie, of your princely clemency, to tak notice of the many kynd favouris done to me, for your Maiestes respect, by the Erl of Dumbar; and that it wald pleas your Maiesty now at his retorne to Court to put ane end to my misery. Necessity makes me importune, and your Maiesteis wudcserved favour bolde. And your Maiesteis credit with his Maiesty, and the Erl of Dumbaris earnest affectionn to do what he knowis is agreable to your Maiesty, gevis me hope that his Maiestes tyme decreed for my pardone is ather at hand, or by your meanis may be shortened. I know it is for your Maiesteis respect the Erl of Dumbar hes bein so cairfull of my good, and if your Maiesty think it good service it is all he desyiris. I can do no thing but pray for your Maiestie, lyik as all that belongis me will spend thair lyves for your Maiestes service. The berar hes omitted no good office he culd do to me for your Maiesteis sake: your Maiesteis gracious acceptance of him will mak him think it weill bestowed. Thus humbly craving your Maiestes pardone for my boldnes, I pray God grant your sacred Maiestie all happines and contentment.

39. KING CHARLES THE FIRST to the CHANCELLOR AND LORDS OF SESSION, in favour of MR. WILLIAM ELPHINSTONE, the King's cup-bearer. 16th May 1627.<sup>1</sup>

CHARLES R.

RIGHT TRUSTY and welbeloued counsellour, and trusty and welbeloued, wee greete yow well. Whereas wee haue heretofore conferred the escheate of Charles Goldman, who killed William Somerwell, vpon our trustie and welbeloued servant, Mr. William Elphingstoun, our cup-bearer; and wee are now informed that the opposition of Somerwell's widow doth delay our gracious intention of gratifieing of our said servaunt: Our pleasure is, that yow proceed in the legall cours yow haue begunne, so ordering both pairties as (according to custome in such cases) the mater may be frendlie decided; or otherwise, that our aduocate do appeare, as formerlie he hath done, and plead for

<sup>1</sup> Original letter in H.M. General Register House, Edinburgh.

our interest, to the end our forsaide seruant may reape the benefite of our fauour, according to the lawes of that our kiugdome. Which recommending vnto your care wee bid yow farewell, from our Court at Whitehall, the sixteene day of May 1627.

To our right trustie and welbeloued counsellour, Sir George Hay of Kinfaunes, knight, our chanceler, to our trustie and welbeloued Sir James Skeine, president, and to the remanent Senatours of our Colledge of Justice, in our kingdome of Scotland.

40. KING CHARLES THE FIRST to the LORD CLERK REGISTER, in favour of MICHAELL ELPHINSTONE. 9th May 1636.<sup>1</sup>

CHARLES R.

TRUSTIE AND WELBELOUED counsellour, wee greete yow well. Whereas humble suite hath been made to vs in behalf of our seruant, Michael Elphingston, representing that it is necessarie for executing our seruice committed to his charge touching concealed wardes and others mentioned in our grant giuen therevpon, that he haue the sight of our Recordes. It is our pleasure, that at convenient tymes yow mak the same patent vnto him, by licensing him to haue the sight and extract of all such thereof as he shall find may aduance the good of that our seruice ; for which these presents shalbe your warrant. Wee bid yow farewell ; from our Court at Whitehall, 9th May 1636.

To our trustie and welbeloued counsellour, Sir John Hay of Barok, our Clerk of Register.

41. KING CHARLES THE FIRST to ALEXANDER, FIFTH LORD ELPHINSTONE, to prorogue the parliament to the 7th of July. Whitehall, 26th May 1640.

CHARLES R.

RIGHT TRUSTIE and welbeloued counsellour, wee greet yow well. Having resolved to prorogue our parliament of that kiugdome vnto the 7th of Julii next ; and yow being one of the commissioners contained in the commission vnder the quarter seale, of the date the 20 August last, for fenceing the parliament, and prorogueing the same, as oft and so oft as the necessitie of our seruice and the good of that our kingdome should require : Our pleasure is that yow attend the said day, and asist the doing thereof, which wee will take as good and acceptable service : Wee bid yow farewell ; from our Court at Whitehall, the 26th May 1640.

To our right trustie and welbeloued counsellour, the Lord Elphingston.

<sup>1</sup> Original letter in H.M. General Register House, Edinburgh.

II.—STATE AND DOMESTIC LETTERS OF THE LORDS  
ELPHINSTONE.

42. DOROTHEA STEWART, COUNTESS OF GOWRIE, [probably to ALEXANDER, MASTER OF ELPHINSTONE, Lord Treasurer]—Craving his assistance. 5th November 1600.

MY LORD,—Efter my verie luiffing commendatiounis, being informit that his Maiestie is cumit to Edinburgh, and that your lordship is present with him, I haif thoct guid be this present, maist effecteously, to requiest your lordship to deall with his Hienes anent the support of my dochteris, quhais estait is verie desolate, and I am sa ouerchairgit with the payment of annuallrentis for his Maiesties dettis contractit the tyme of my husband being in office of thesaurarie; quhilk soumis of money wes taine on vpoun my coniunct fie landis, that skerce I am abill to interteyne my awin estait, and mekill les to haif the burdeine of thame: In respect quhairof, except his Maiestie tak sum ordour quhairby sum moyane may be appoyntit for susteining and prouyding of thame, it is not possibill that I can be abill longer to interteine thame. Heirfoir beseikis your lordship to interpone your credite at his . . . that now quhen as the counsall is present quhilk is the tyme . . . your lordship will be cairfull to hald hand thairto and hald his Ma . . . thairof quhom I heir is of guid affectioun to help thame . . . gif the mater be now neglected . . . nane to mak recourse vnto vnder God bot to his Maiestie . . . clemencie and fauour [w]e mon euer repois. Exspecting to . . . freindis will interpone thair credite, of quhilk number . . . the first and speciall. Trusting be the Lordis grace . . . think your travellis euill bestowit in quhatsumeuir guid . . . thairanent. Remitting the same to your lordshipis guid discretioun and . . . referring the declaratioun of all vther thingis to the beirar, com[mittis yow] hairtlie to Godis holie protectioun. From Dirltoun the fyift day of November 1600.  
—Youris lordshipis verie cfectionat and luiffing consignes to all power,

DORATHIE COUNTES OF GOWRIE.

. . . ie guid Lord and Maister  
. . . my Lord . . . r.

43. THE HONOURABLE BARBARA RUTHVEN [probably fourth daughter of William, second Lord Ruthven, and wife of Patrick, sixth Lord Gray,] to ALEXANDER, MASTER OF ELPHINSTONE, Treasurer—Craving his help with the king. c. 1600.

MY GUDE LORD,—I am sa bauld in my grite necessitie, vnder assuurance of your lordshipis forwardnes to do me gude, to entreate your lordshipis speciall aide and

furtherance in my susteris name and myne at his Maiesteis handis. The mater of our sute depending befor his Maiestie and his honnorabill nobilitie at the parliament, and without his Maiestie, moved with pitie and compassioun of our maist miserabill estate, and ane equall regaird had to the dew informatioun of our caus, thair is na place of favour left vnto ws. It dois, my lord, samekle stand ws vpoun the procureing of his Maiesteis favour in our behalf, that without in ernist and effectuell speicheis your lordschip travale with his Maiestie, we ar in grite dispair how the case will go with ws. I hope his Maiestie vpoun your lordschipis motioun will the mair easilie condescend vnto this that we require : quhilk in effect is this, that sum ordour be presentlie sett down at this parliament for sic certane and suir moyen to ws, as his Maiestie sall think maist expedient. Quhilk gif your lordschip, with the rest of the nobilitie that my suster and I haue writtin to, will earnestlie insist with his Maiestie, I doubt not bot his Hienes will the mair easilie condescend to thet same. Commending your lordschipis saiftie and gude estait to the protectioun of the Almightie, I rest in dewtifull regaird to the same.—Youris lordschipis maist assuirit for euir, BARBARA RUTHWEN.

To the richt honourabill and my very gude lord, my lord thesawrar.

44. JAMES ELPHINSTONE, afterwards LORD BALMERINO, Secretary of State, to Mr. ALEXANDER HAY—The marriage of the Lord Chancellor, 14th December 1601. [Contemporary Copy.]

RIGHT TRAIST FREIND,—It pleaisit the Quenis Maiestie at my departing to communicat sum thing to me to be impairted to my Lord Chancellor anent his mariage : whilk at my first hamecuming I did, according as I had directioun. And albeit the propositioun, if it had not flowed from the auctorite of her Maiestie, whom in so highe a degrie he respectis, wald in regarde of the circumstance of the tyme not have bein but displeasandlie accepted of ; yit he hard it patiently, humblie thanked her Maiestie, desyryng the purpos suld go no furer to materis war bettir digested. Of late I have seen a lettre from yow to this same purpos, whilk hes put him in a very greit perplexitie ; for when he considderis the soverain auctorite her Maiestie hes over him self his lyif, and all he possessis, to refuse or appear to misregard sik a motioun from her Maiestie, what preiudice it may bring to him. On the other part, in particuler conferenceis, whair of wpon that subiect I haue had a greit many with him, he hes shawin by so many cleir and sensible reasounes how wnfite that maethe [matche] is for him, how preiudiciall to the gentilwomannis bettir fortune, and inconvenient for his estate ; the particulars whair of ar so many that they war langsum to committ to paper, and of that nature that no recorde of thame in wreit war fit to be extant, for respect of both parteis. So as to delyver you frielic my opiuioun in the erand, whilk he is unwilling to do, for

feir of her Maisteis offence, I see no appeirance that it can frame, nor no purpos, saving her Maisteis awin wisdom, that it suld be furdur insisted into, seing his mynd is so far from it, but befor he suld offend her Maiestie in making any other chois he will rather continew all his lyif in the estate he is into, whilk war a grat miserie to his fortune. In the delyverie of this to her Maiestie ye will use that discretioun as no offence be taken at ather of us ; for as I imployid all my credit to persuaid him to lyik of the purpos with no less cair nor she had bein my awin dochter, so being overcum with so grave and waightie ressonnes on his part I culd not refuse to acquaynt yow sinceirlie with his inwart dispositioun,—that, whill her Maiestie may athir by conference with his lordschip or me be moir fullelie satisfyed, she nather wrge it any furdur, or consave any discontentment of so ressonable a refuse. And because I know this propositioun may had my Lord Chancelar in suim perplexitie, in respect off the dew regairde he has to all hir maist gracions Maiesties intentionis, I desire yow baith to deliuer this ansuer in the best forme yie can, and send me bak worde agane with your first commoditie, quhow this is accepted and quhat is hir Maiesties ansuir : quhilk I wiss at my hairt to be, that as hir hieness did nocht propone nor think off that bot for his weill, sua willis him nocht to think or minde onye mair off it, nor he sall find meit for his estaitt and conditioun. This I can assure yow and will yow to assure hir Maiestie off the same. I am certane he sall matche with nane, but sic as sall be free off all maner off suspicioun off onye offence or dounluike off hir Hieness, for he has als greate regaird to that as to onye earthlie thing, and groundis his standing sua upon that he thinkis the cheifest instrument off his rysing.

Indorsed : Copie of my lettre to Mr. Alexander Hay anent the Chancellaris mariage, 14 December 1601.

45. JOHN, TWELFTH EARL OF SUTHERLAND, to ALEXANDER, FOURTH LORD ELPHINSTONE, his father-in-law—Consulting him about the affairs of his estate. 31st October 1602.

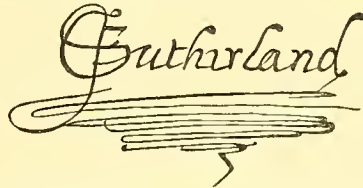
MY LORD AND LOUEING FATHER, pleis your lordschip, I haiff directit this berar, Alexander Watson, south to await vpon my adois in thais partis : and specially, I haiff directit him to persew thet reductioun of the Erll off Cathnes infetment : quhilk action I will recommend wnto your lordschipis gude assistance and help. Sen his hame-cuming he is becum mair peacabill then he wes, desyring all ilestis to be tane wp : bot as materis takis effect your lordschip salbe maid forsein. I lippin your lordschip will asist this berar in all my adois. Lyikwayis I haiff thocht gude to schaw your lordschip how I am chargit be Clement Cor to pay him silvir for the victuall I sould haif giuein him fearneyeir. I thank God I wes nevir chargit for my dett befor now, and giff I had

thought he had suted the rigour and penaltie off me, he sould haiff bein satisfieit or now. Bot we forseing this last yeir till haiff bein sa ill that scantlie had the tennentis to sustein thame lett be to pay thair fermis, I directit fearnyeir to Clement Cor and maid him forsein thairof, desyring him to continew me quhill this yeir, quhilk he grantit. Bot he persaueing this yeir the victuall to giue na pryce, he hes causit his gudesone, the Laird of Ardrrie, charge me to satisfie him off the feilzee, quhilk extendis to aught poundis for everie boll. I neidit nocht till haiff incurrit this danger except I had lipnit to his promeis. I nevir braik my day to him befor since I was ane man, nethir wald I haif faillit this yeir giff it had not pleasit God not onlie to visie this contrey bot all the contreyis about with the lyik skaith. The berair will inform your lordschip heirof at lenth. I receaweit ane lettir of your lordschipis fra my servand Patrik Gordoun anent Achindean, quhilk roun in gude faith I disponit to McKy fyftein dayis befor the reset of your lordschipis last lettir. His only suit off that roun fra the begining wes till eas my sister in this contrey, quha at na tyme gettis hir helth in Stranavir, and not for ony desyir that evir he had to ony commoditie be that rowme. Alway giff your lordschip will as yit continew off that mynd as to hant to this contrey, I will promeis your lordschip ane far bettir rounne for the bestowing of les silvir thairon. The rounne lyis in ane pairt mair convenient for your lordschip then the vther did, as I haiff willit the berar to schaw at mair lenth. I mervel that efter your lordschipis lettir direct with Alexander Watson sa suddanly, the sicht quhairoff moweit me to dispone the said roun, that your lordschip sould haiff alterit purpois sa sone. I confes how sone I red your lordschipis letter direct with this berar, I wes not content. I haiff commandit this berar to schaw your lordschip in quhat esteit our pannis and coilheuch is into, for he quha had the cuir off thame hes left thame, and althocht he had his helth again, thair is nevir ane servand that will byid with him, he hes sa misvrit the servandis. Thairfoir I pray your lordschip to wreit earnestly to George Bryce and caus him adderis him selff heir with diligens, and that he direct heir befor him ather be sea or land sa mony servandis as will occupie a pan, for we haiff servandis that will staik ane off the pannis. I feir thay will ly ley except George Bryce will hant ofter to this contrey. Thais pannis hes bein our deir to me, gif now thai will deny.

Gif your lordschip be rememberit, I walknit ane purpois at your last depertour out of this anent Gilbert Gray of Skebo. I haiff not schawin this berar my mynd in this purpois, seing I will haiff nane to knaw heiroff bot our selfis tua. I proponit this matter to my mother, but scho wes aganist the same, saying that scho wald find out sum vther cours; bot I will not trouble hir heirwith. The said Gilbert wyiff is deid, and he myndis now to remane the haill winter in Edinburgh. I pray your lordschip to speik with the bischop that he will end na thing with the

said Gilbert wknawin to your lordship, for this last yeir in winter his sone wes south, quha advyisit with Mr. Jhon Scharp and vtheris advocattis iff he nicht produce thair infestment, quhais plane advyiss wes nawayis to do the same, bot rather to compone with the bischop, quhilk he did, sua that I am certane thair richt is nocht gude. Your lordship sall keip this queat ; gif I wnderstude to profiteit my self in this, I wald not fail to visie your lordship and the bischop in thais pairtis. In cace your lordship thoct not this ground so suir as neid war, I sall schaw yow ane vther outgeit na thing inferiour to this, quhilk I will not wreit at this tyme, bot eftir your lordships adverteiment. It may be I pas south queatly my self. I will remitt this purpois to your lordships avin gude rememberenis. I will not fasch your lordship with farder letter at this tyme, bot will refer all vther purposis to I get adverteiment bak fra your lordship. I lippin your lordship will giue this berar your opinioun and help in disparting his affairis with diligens, nocht foryetting my loucing commendatiounes to your lordships self, to my lady your bedfellow and to all the bearnis ; quhom, with your lordships self, I committ to Godis protectionn. Dinrobin, the last day off October 1602.

Youris lordships maist affectionat sone to be commandit,



It will pleis your lordship to tak the painis as to caus send me with the first occasioun tua or thrie stokis of sadillis.

To my gude lord and loucing father, my lord Elphinstoun.

46. THE SAME TO THE SAME—Patrick Gordon to be sent to Chanonry.

1st November [c. 1602].

MY LORD AND LOUEING FATHER, I haif receaweit ane lettre of yowr lordships this same day eftir I had directit this berar, and sall not fail to direct Patrik Gordoun to the Chanorie, conforme to the contentis of your lordships lettir. Quhair your lordship wreittis that ye ar glaid the laird and we duell togidder ; as to that we wald sort weill, in cace Patrik Gordoun wer dischargit of my service, quhilk the laird hes resolvit to haiff done. Vther wayis he will remane na langer with ws, as he hes directit tua messingeris to me this same day to this effect, as this berar will schaw

your lordship at mair lenth. Thairfoir I haiff thocht gude to burdein your lordship as to wreit for Patrik Gordoun that he nicht remane ane space with your lordship till he gat [t]he actionn performit aganist the laird ; quhilk gif he did, wilbe the greatestt weill to me I can obtain aganist the laird. Thaireftir or the laird incur the danger of law he will rather agrie with Patrik. This far I haiff thocht gude to desyir your lordship. I haif wreittin to McKenzie that nane of our servandis receawe wrang, vtherwayis thair salbe newis hard thairoff. Gif ony newis occuris from court, I lippin your lordship will adverteis me. Haifing na farder for the present, bot committis your lordship to Godis eternall protectioun. Dornach, the first day off November.—Your lordshipis maist affectionat sone to be commandit,

J. E. SUTHIRLAND.

Indorsed : To my lord and loueing father, my lord Elphinstoun.

47. PATRICK, SECOND EARL OF ORKNEY to ALEXANDER, FOURTH LORD ELPHINSTONE  
—Had a good passage to Orkney. 19th September 1603.

MY LORD AND BROTHER,—Eftir my maist hertlie commendatiounis. I haid a guid passage in my journey, and come hame in guid lyking vpon the xvj of this instant. The estait of my helth is guid, prasit be God. Lykas I wald be glaid to heir the lyk oftymes of your lordship ; and I will requeist your lordship till acqnant me be your frequent lettres thairof as the occasioun presentis. Giff in the mid tyme my fasheous effairis sall happin to inoportune your lordship by dyat, I pray your lordship to haue patience, and sie thame aduanced be your fauour and travell, as I sall be willing to tak the lyk or grittar panes for your lordship, qnhen it sall pleis your lordship imploye me. Quhen the berar sall acqnant your lordship with ony my partienlaris, qnhairin your lordshipis assistance is necessar, I trest your lordship will do guid office thairin, as my confidence is in your lordship. Sua remembiring my luiffing dewitie to my sister, your lordshipis ladie and bedfallow, committis your lordship to Godis preseruatioun. Frome Birsay, the xix of September 1603.—Your lordshipis luiffing brother at power,

ORKNAY.

Indorsed : To my verie guid lord and brother, my Lord Elphynstoun.

48. JAMES, LORD BALMERINO, Secretary of State, to KING JAMES THE SIXTH—  
The question of the Union. 30th April 1604. [Contemporary Copy.]

PLEIS YOUR MOIST EXCELLENT MAIESTIE,—These presentis ar to acquent your Maiestie treulie of that quhilk is past in the parliament heir, least by otheris your Maiestie sould be sinistrouslie informit. The xxvi of this instant wes the first day the parlia-

ment raid, quhairat your Maiesteis commissionar wes accompanied with a very frequent nobilitie, clergy and baronis. Efter ane exhortatioun gravelie maid by the Archbishop of Glasgw, the commissioun wes red ; thaireftir your Maiesteis missiue, and last a learned speiche maid by the President in the Chancellaris place. Some thing wes done in the verificatioun of the foirfaltouris ; thairefter according to the maner the lordis of the articlis wer chosin ; and so that dayis werk finished. The xxvii the Articlis conuenit in the place appointed efter ellevin houris : at the quhilk tyme all the rest of the nobilitie for the moist parte, and with thame diuers commissionaris of the barounes, and some that wer no commissionaris of that rank, assembled thame in the kirk, deliberating vpoun the consequence of this mater of the Vnioun, and to prevent that the same sould not be caryed away priuatlie ; bot as the mater, wechty in itself, tuouched the haill cuntrey, so the hoill body of the estate sould be maid prevey to it, that materis nicht gang mair vniformelie. Quhairvpoun thay directit to the Lordis of the Articlis, the Marques of Huntley, Lordis Cathcart, Loudoun, Kilsyth, Cluny, Creichtoun, and Bogy, desyring that some of the Articlis sould be directit to confer with thame anent the mater of the Vnioun, that thay might be the better resolved. The Commissioner, Chancellair, and Lordis of the Articlis, albeit they wald not condemne thair jalousie, or distrust, proceeding vpoun thair eirnist desyre to haue the Vnioun not to be medlit vnto bot be all thair knowlegeis ; yit thay wer miscontent with the noualtie and vncouth forme, and desyrit that ony petitioun thay had sould be gevin in in write.

The xxviii at nyne houris thay conuenit agane and directit new Commissionaris to the Articlis, viz., the Erllis Angus and Glencairne, Lordis Home, Glamis, and some baronis, quha gaif in the petitioun, quhairof I haue heirwith send the double to your Maiestie. To the quhilk the Chancellair in name of the Commissionair and haill Articlis gaif this verball ansuer : that the Lordis of the Articlis being bot a few nomber selected of the grite parliament to heir all petitionis, ayther concerning the publick, or particulair of ony pairtie, dres and putt thingis worthy to be inacted in forme, quhilk gif thay wer not allowed be the haill estcatis could be of no force ; that in the mater of the Vnioun thair could be no thing deliberat quhill first aduertisment come frome your Maiestie ; that in thair proceeding thair wes no thing keipit secret ; that the noblemen, clergy nor commissionaris, had nevir nor wald neur refuse to conuene with thame, imparte to thame thair proceedingis ; and as thay had no pouer, so thay intendit nevir to conclude ony thing in the Vnioun bot in moist solemne forme. With the quhilk ansuer, as appeirit, the noblemen depairtit weill pleasit. I hoip the Lordis of the Articlis sall on Mononday ilk ane meit with thair peiris, and all thair intentionis being ane inclynnit to the Vnioun, sa fer as can be without preiudice of thair liberteis, sall accord sa weill as thay will all inforce thame

selfis to gif your Maiestie contentment. Giff materis fall oute vthirwayes, your Maiestie salbe spedilie aduertissit. Thus craving humblie pardoun of this my bandlnes to importune your sacred Maiestie, I wishe your Maiestie all happynes. Frome your Royall palice of Haliruidhouse, the                      day of Apryll 1604.

Indorsed : "Copie of my lettre to his Maiestie, vltimo April 1604." Another draft has "pennlt April."

49. ROBERT, LORD CECILL to LUDOVICK, SECOND DUKE OF LENNOX—Regarding the debates on the Union of England and Scotland. 3rd May 1604.

MY GOOD LORD,—Becawse your lordship may know my remembrance of my promise, I am carefull to write somewhat of the matter, wherof I am snre you are in greatest attention. The Vnion hath had this coursse of debate, whyther presently to snffer an Act for choyse of Commissioners only, or together with it, to giue the Iland now presently a comon name of Bretany. The one I make no question wilbe yelded, th' other is vtterly contradicted vntill by Commissioners and the next session of Parliaments in both realmes, the lawes may be so compownded as th' Iland may not haue 2 formes of governments, which will keep severall Parliaments still on foot. The reasons therof will appeare in this private collection, wherby I see the best way is resolved to be a suspension of the name till the Commissioners may agree of th' other pointes, which (being vndygested) all our lawes are dissolued as soon as the name is giuen ; which, thogh it seem strange, yet is it certaine, and so resolved, as they that wish the vnion with all their sowles protest against the present name both in the Higher and Lower Howse. Thus do you see how good it is to change with good deliberation where multituds must rule, but there is no man can be so sensles bnt will see waies (with a little time) to dygest dyfferent things by quiet conference ; nor can any man be so stupide as not to forsee the perill, if by frowardness or practise swch a coninnetion shold be hindred as God's provydence hath offred vs for the mutuall peace and felicity of both realms. And thns, being loth to be to slow, and yet vnable to write much for my sore ey, I end,—Your lordship's assnred friend,

Ro. CECYLL.

Thanks be to God, his Majesty and all his are in excellent health.

Indorsed : Lord Cecille to my Lord Dne of Lenox, 3 May 1604.

50. [JAMES, LORD BALMERINO, Secretary of State for Scotland] to ROBERT, LORD CECILL, Secretary of State for England.—Question of the Union. 4th May 1604. [Contemporary Copy.]

MY LORD,—Your lettre of the xxviiij of Apryll, I resaiffed the                      of Maii. It is nocht necessair that I impashe yow with complements, seing my lettre can adde no

thing to that absolute duty, quhilk I haif professed and shall evir holde by Goddis grace. As to the mater of the Vnioun, our bussines hes bein no lesse heir, except no thing of it motioned directly, but yit so suspiciously apprehendit by a greit many, as if sum of all estats in quhom his Maieste is thocht to haif a speciall trust wald carie the same away, and conclud thairin without the generall assent: a mater nevir thocht be any heir, muche les directed by his Maestie, quhose princelie inclinacioun is to haif it led with a sein contentement of all thame quha ar fitte to iuge quhat is thair best. Your lettre hes so plainlie layit befor me the method of your proceeding thair, as if I had bein ane ey witn[e]s I culd nocht haif bene more clearlie resolved: and suirly I think a greit deill les danger in continwing the appellacioun, nor to have bred by so haistie change of the name suche a doutte. Thair is only one thing I wald wishe yow to think wpone, that sence thair is divers statutes made both in England and Irlandie disgracefull and preiudiciale to this cuntrey of Scotland, if by your motioun this micht be abrogat and repealed, it wald breed a greit contentement till all our peopill. And seing the causes of dislyik and distrust betuix the nationes ar now removed, it war nocht auiss that suche markis of haitrent, no thing preiudiciale to your estate war gratuslie effaced. Our nixt sessioun terme is adiourned fra the xv of Maii, quhilk was the ordinair, to the first of Junii; and our parliament to the first of Julii thaireftir; otherwayis the pestilence wald have overgane the hail cuntrey, quhilk by Goddis providence, and the magistratis and officeris ernist cair in that tyme we intend to prevent. I dout nocht but the Lord Duc and Erle of Mar haiff wretin thair seural anseris, for your lettres to thame war saiflie delyverit. I have understud by a lettre fra Sir Georg Hooime your remembrance of my particuler. I ame sory I lake the meanis to acqyt it. Only I reste to be commandit quhairin heir or els quhair I ame able to serve yow, My Lord.

From Halyrudhous, the fourt of Maii.

Indorsed: Copie of my lettre to my Lord Cecill of the 4 of Maii 1604.

51. [THE COUNCIL OF SCOTLAND] to the COUNCIL OF ENGLAND—The Duke of Lennox's benefices. [*Circa* May 1604.] Contemporary Copy.

AFTER OUR MOSTE HARTY COMMENDATIONS,—Wee receaued your Lordshipis lettre of the xxviith of June, wherein as wee perceaued our most gratus souereigne his princelie disposition towardis his owne creature, our verie good Lord the Duke of Lenox, so we obserued your greite wisdom, whereby wee were by you directed to further yow to the meanes whereby his Maestie might effecte that most princely worke of repaying the decayed face of the church, and true religion therein professed, by restoring the Bishoppes to their wonted integrity; and in doing thereof, not to preiudge

the Lord Duke, who, by his Maiesties liberality, enioyed the title and fruites of two Archbishoprikes. And for your Lordships better satisfaction, since the receipt of your letter wee haue made such inquirie as the shortnes of time wolde permitte. But, because the benefices are greate, their rentes dispersed, and the estate of them as incerteyne as the possessouris haue bene subiecte to alteration, wee can hardlie finde any grounde whereupou wee dare presume to assure the inst valew. Bnt because we ought, as well in regarde of our dewty to our dread souereigne, so inste and loning a master, as of the earnest desire, we haue to helpe yow in that which is properlie subiecte to our vnderstanding, concerning that which by the aforesaides bishoprikes is taken from the said Lord Duc wee wolde advise yow (vnder your fauorable censure, to the which wee submitte ourselnes) not to searche to curiouslie what hath bene or may be the iuste valew of the saide benefices, the rather because wee haue hearde amongst some of the aforesaid Lord Duke his ministers an intention to sette them at a high rate; and yet not far abone that whereunto any prouident man wold haue reduced them, howsoeuer thay have beene abused be his doaris to thair awin advantage; and in that as is the nature of all sutaris his Maiestie's liberalitie hes evir been suppressit and his benefittis seit to litill or no avall, that thay might have still mater of begging. And therefor, if (without any further inquirie) he could be satisfied with any mater worth eight or nyne houndreth pounnds a yeare, or some such like thing, wee wolde thinke his Maiestie well deliuered of that importunity.

And to the effect your Lordships may have sum licht in that mater, we have heir-with sent yow vnder the handis of sum of his speciall gydaris thair rate of these too benefices, lyik as we sall employ our labouris, if so ye sall think necessair, to try thair iuste valew and estate, to the which thay may be reduced: but, becaus it will requyir a great deal of paues, we man entreat your favour, for spairing vs to sik tyme as his Maiesteis more wechtie affaires may permitt vs to do the same. Wee can not but with our most humble and harty thankes acknowledge your Lordshipps frendlie estimation of our vnprofitable labouris here whereof there is nothing ouris but an honest care to prosecute his Maiesties royall pleasour, left with vs (as a loadstarre), in so many statutes and good decrees flowing from that euer abounding welspring of his Highnes wisdom, daylie refreshed by those graue directions from whence the litle mooushine of our actions hath here light. But since your charity towards yourselues will not allow vs that translation which yee write (the only accomplishment of all our wishes, and subiecte of all our miseries), our next desire is, by your fauorable ministerie to be supplied in all our defectes, and to reccaue of yow (who haue that happines to be illuminated with the immediate sunne-beame of that onlie ornament of this our vniverse), all such directions as may leade vs to do that which may be to the conforte of his subiectes, his Maiesties obedience and that frendlie acquittall, which wee owe to

your Lordships, to whome, for your approued fidelity to our Souerane, and kinde deserving of euery one of vs, wee shall euer contynew, your most louing and assured friends, ready to do yow service.

Indorsed : Copie of a lettre writin to sum of the Counsall of England—compensatioun of his benefices.

52. [JAMES, LORD BALMERINO] to GEORGE HOME, EARL OF DUNBAR—Defending himself against various imputations. 5th April 1606.

MY LORD,—I haif euir expected for some worde ather frome his Maiestie or your Lordship of all thir commoun reportis hes bene heir of his Maiesteis discontentment againis me, not being moir guilty, I protest befoir my Maker, of ony of these imputationis I heir talked of, nor of Percy and Catesbyis detestable conspiracey. I ressauced a lettre signed be his Maiestie, shawing that his Maiestie wes informit of my purpois to repair to Courte, and thairfor willing me to stay. I think your Lordship best of ony knowis that I had no suche mynd, and when your Lordship moved that I sould go thiddir, how I excused myself. I wes nevir so bold as to attempt ony suche jorney without my Soueranis command ; yea, not without your Lordships knowlege ; bot that informatioun will prove lyke the rest. I heir the ministeris keiping of thair assembly and thair pertinacious standing to it, is allegeit to haif had my patrocinie and allowance. I think that sick a materiall point moist require some verificatioun ather be worde or write : That thay haif send vp the forme of thair declaratour, whilk is far different frome the copy, whilk I send to his Maiestie, and sa I am in that point a fals notair ; and generallie, that in all my actionis I haif bene ane crossair of his Maiesteis moist iust and moist honorable deseigne, and author of all the jarris betuix his Maiestie and the ministerie : that I haif said to the ministeris, that I will imbrace thair caus aganis the bischoppis, as my awine particulier : that, for my misbehaviour in that seruice, I had craved his Maiesteis pardoun vpoun my knees ; and I watt not quhat ellis sa commounlie spokin heir, as I can furneis no moir patience, bot crave your Lordships pardoun that I importune your Lordship to latt me know vpoun quhat fundament all thir materis ar buildit, for to na man ellis can I better addresse the sorrow of my hairt, nor to your Lordship, who hes bene ane ee witnes of my labouris, and is in thir calumneis somequhat tuicheit for that I know (for the whilk I humelie thank your Lordship). Your Lordship hes bene pleasit both be worde and writ to testifie vnto his Maiestie my diligence and fidelitie in his Maiesteis seruice. I haif beene and am still confortid in his Maiesteis iustice, who I am suir without a iust tryall will nevir hald me guyltie of sa haynous trecheiris, falsett and ingratitude againis so gracious a maister. In his Maiesteis wisdom, who can considerd to what end sould I embrace ony suche course ;

my awine innocencie relevis me of feir, and I am not so litle acquainted with the disposition of his Maiestie, quhome I haif servit this tuentie yeiris, as I durst presume to my selff that in so gros ane errour his Maiestie sould be sensles, and that I wer able in so publict service to haif my actionis vnespyed. All my desyre is amang innumerable benefeitis, wherin I stand bound to your Lordship, that I may know the veritie of all thir materis, that in recompens of all the vnworthy service I haif done or am able to do to his Maiestie, that I may haif a tryall, and ather latt me suffer as the wyldest malefactour that evir offendit so worthy a prince, or ellis that my dilatouris may be eshamed, and henceforth knowne in thair awine cullouris. I am taxed of flatterie by occasioun of a lettre writtin be me to his Maiestie, ane of the viccis I haif hithertillis had least reproche of; bot, gif it be to no manis preiudice, onlie geving his Maiestie that whilk I protest to God I think is not so muche as I aucht, and in extenuating of my awne offence, I will not be eshamed in that qualitie to beg of his Maiestie moist humble pardoun; and I prais God these by whome I am most moist taxed for that fault, ar very weill knowne far to be abone me in that kynd, and moir to the harme of thair nychtbouris; and I wald wishe that all thair lettris and speechis and myne boith, thir fyve yeiris bigane, wer published to abyde the censure of all honnest men. I pray your Lordship not to offend with this my impatiencie, for it hes not litill grevit me that I sould be so vnworthy and vnhonnest as to dissave the truist of my Souerane by whose liberall hand I am all that I am. That I sould haif betrayed yow who had sa oft affermed to his Maiestie my honnestie, that it sould be spokin ather in England or ellis whair that his Maiestie had so vnadysedlie sett in placeis of sa great importance men whome nather civile dewytie nor his gracious liberalitie could contene in the boundis of honnestie. If thir thingis sall go away vntryed, can ather his Maiestie or we that servis be free? If vpoun tryall we be culpable, his Maiesteis justice without mercy relevis him, and the skaith and shame is ouris. If we be falslie calumniat our innocencie alsweill by the pvnishment as pardoning of the reportaris cleiris his Maiestie and restoiris ws to that opinioun of honnest men and faithfull ministeris, whilk myselff hes in greatar accompt nor whateuir I haif ellis in the world. What is my cas now, may fall heirefter to worthyar nor I am. Thairfor I humelie intreat your Lordship to do in this as ye love his Maiesteis honnour, and wisheis the goode of his service, that it may be tryed to the end that honnest men may seeme in suirtic, fals and vnhonnest men may be pvnished, and reportaris affrayed to say ony thing whilk thay ar not able to verefie. And for myselff I wishe no better fortoun to myselff, nor succes of my labouris to my posteritie, nor I haif cairfullie and faithfullie according to my power and skill dischargit me in the service concrated vnto me by his Maiestie. Sua praying you to excuis my importunitie, my hartlye commendationnis rememberit,—I rest, your very loving br[o]ther to serve you.

I will looke langsomelie for your Lordships ansuer, and some certaintie of all thir reportis.

5 Aprill 1606.

Indorsed: Copic of the lettre to my Lord of Dunbar. 5 April 1606.

53. JAMES, LORD BALMERINO, Secretary for Scotland, to KING JAMES THE SIXTH—  
Banishment of the ministers. 17th November 1606. Contemporary Copy.

PLEIS YOUR SACRED MAIESTIE—Your Maiesteis lettre of the                      of Nouember come not in my handis afor the ellevint. And for accompt of my diligence in your Maiesteis directionis: The convicted Ministeris maid sail towardis Deip on Fryday the sevint. The rest, as I think Sir Johnne Arnot hes certifyed, the Eril of Dnnbar wilbe befor the day appointed in the placeis of thair confyning. As to the obedyence of the proclamatioun: Sen the publicatioun of it, I remanit evir in Angus whill within thir few dayis, wher I hard no thing bot obedyence. Sen my comeing heir, I haif send for the baillies of Edinburgh, Cannogait, and Leyth, who as thay haif prymeist to see it obeyit, so haif thay gevin particular aduertisment to thair ministeris to conforme thame selffis, certifeing thame that yff thay contravene, they will committ thame, whill the Counsaill tak ordour with thame. The baillies of Edinburgh, being very deuitfullie disposed to your Maiesteis obedyence, standing in greatair feir of some young men that ar by the prisbiterie appointed to supplec Mr. James Balfouris place, nor thair awne ordinaris, went on Wednesday last to the prisbiterie to desyir that nane sould be appoynted to teiche among thame, bot sic as wald obey your Maiesteis proclamatioun. Vpoun whiche motioun, as I leirned by some wer present, disputatioun rais among thame, whidder thay mycht with saulf conscience in thair calling refus to pray for ony persone in trouble, who desyrit the benefeit of thair prayeris, being thairto commandit by the worde of God, whose auctoritie is greater nor of ony monarch in the world. Nixt thay maid this analysis vpoun the wordis of the proclamatioun, that it contenit a command not to pray for thame, and a reasoun of the command, becaus praying for thame implied that your Maiesteis gonnernament wes tyrrannicall, wherupoun thay subsumed, that yff thay sould pray for thame in sic forme as could imply no tyrrrannie vpoun your Maiestie, they contrauent not the proclamatioun. Whiche foolishe argumentis, albeit thay wer by Mr. Johnne Hall and otheris of the best soirt very weill refuted, yit by the moist parte conclusioun wes tane als confused as thair disputatioun, that in the cheyr of veritie euery one wald do as the Spirite of God wald move him; and with all humble obedyence, first to God, nixt to your Maiestie, sould frame thair prayeris in sic soirt to do what in thame lay to eshew the violatioun of your Maiesteis commandi-

mentis. This is all I culd lerne of the proceedingis of the presbitry of Edinburgh. What is in any other presbyterie I can not heir as yit ; but I have wretin to the Bishoppis of Sanct Androis and Glasgo, sum nobilmen and magistratis that I know best affected, to be certified by thame what obedience is gevin to the proclamatioun, and to send me the names of the contravenaris, that I may cavs thame be summond befor the Counsall and punished for thair contempt : but the desolat estat of the cuntrey staying the intercours of your Maiesteis subiectis, and the few and vnrequent meitingis of the Counsall, whair thir and otheris enormiteis may be tried and punished, will not permitt thame to be repressit soe haistelie. But what is abill to be done for your Maiesteis service, by Goddis grace sall not be omitted on my part. And if it sall pleis your Maiestie to recommend a cair lyikwyis of it to sik otheris as ar in remote partis, and to sum in this sam bondis, who heir gratest autorite, it wald be no litill help to me, and furdurance to your Maiesteis service. But laving that to your Maiesteis bettir consideratioun, I sall, but feir or respecte of any persone, discharge that honest deuty that becometh one who is so many weyis bound to so dread and gracious a Soverane.

Indorsed : Copie of my lettre to his Maiestie of the 17 of November 1606.

54. THE SAME TO THE SAME—Sir John Roper's reversion—Service of the Earl of Dunbar. 19th December 1606. Contemporary Copy.

PLEIS YOUR MOST SACRED MAIESTIE,—Giwe me leaue not to be silent in so many vnderuued fauouris, quhairwith your Maiestie is gratuslie pleased to encourage me to kyith my zeall in the aduancement of your Maiesteis seruice ; and now last, in renewing and extending your Maiesteis grant of Sir Jhone Roparis reuersioun, not doubting bot your Maiestie vill haif regaird to mak it effectuell to me, quhan it sall happen to vaik, no les being heir in your Maiesteis seruice, nor if I var thair present attending my particular. Your Maiestie vilbe sufficientlie informed by a lettre frome the counsall of thair proceedingis, and the lait seruice done at Lithgow vilbe by your Maiesteis Commissionaris sufficientlie certefeid, whairin as your Maiestie hes the solide prayse, being that alsufficient fontane of pietie, visdome and policie, vhairfra those directiouns did tak thair begynning. So the Erle of Dunbar his vyis and secreit prosecuting of thame is voirthie in the nixt degre to be rememberit. Lyk as the vhole actioun, quhilk I houpe salbe the begynning of establisshing your royall authoretic and peace of the church, hes proceidit with so gryte contentment of all, as the most bissie puritaynis ar ashemed to haif misconstrued so vcheritable your most godlie and royell dispositioun. Your Maiesteis auld opinioun of Mr. James Nicoolsoun hes nocht frustrat your Maiestie at this tyme, vhairof all honest men hopis ye vill nocht be vnmyndfull. And Mr. Andro

Lamb hes nocht proven wnvorthie of his bishoprik. But howeuer the Erle of Dumbare in the rest of your Maiesteis seruice hes prouen ewer trustie and painfull, his dexteretie in the leading of this turne hes gone beyond all mennar expectatioun. Thus hoping your Maiestie vill excuis my ower bolde presumptioun, and vishing that my vaik endenoris in your Maiesties seruice may be sene, if nocht ansuerable, yit villing to meit your Maiesteis vundeserued princely fauour, I praye God grant your Royall Maiestie efter a lang and happy raygne eternall felecetie.

Indorsed : Copie of my lettre to his Maiestie, 19 December 1606.

55. JAMES, LORD BALMERINO, to GEORGE, EARL OF DUNBAR—Craving help to get the King to remit his fault. 13th October 1608.

MY VERY HONORABLE LORD,—Sence the opinioun of his Maiesteis commandement keipis me from your Lordship, I must crave pardone by these presentis to rendre yow most hartly thankis for your favour shewed me, especially by the Lord Enrly. As to my self, I have evir found me greitly bound to your favour in all my particuleris, both befor and sence his Maiesteis cuming in England. And if to all your former obligatiounes this salbe added, that by your meanis his Maiesty will look wpon my affectionn to his service in sik sort as I did meane it, at that tyme ; and being cleirit himself wil be pleased that what evir error hes proceidit from over greit desyir to haif done good service may be gratusly remitted your Lordship sall bind one to yow, who in his lyif sall nevir be wnmmyndfull. Let jalousyes and opiniounes of coldnes be buryed, when the repntatioun of your olde freinds, who hes bein so far bound to yow is drawin in questioun. And being fred of this wundeserved and wnexpected disastre if heireftir I may be worth any thing your Lordship sall dispose of me as one who sall evir be your Lordships trewly affected freind to serve yow,

J. BALMERINO.

London, 13 October 1608.

Indorsed : Copie of my lettre to the Erl Dmbar, 13 October 1608.

56. JAMES, LORD BALMERINO, to KING JAMES THE SIXTH—Apology for writing the Letter. 3 November [1608]. [Contemporary Copy.]

MOST GRATIOUS AND SACRED SOVERAYNE,—I humbly beseache your Maiesty in the censnrng of my offence, to have considerationn of the tymes as they then war, when it was committed : What my cair and affectioun was, according to my vaik meanis, to haif had all weill : What end or intentionn I had or culd have, other then the advancement of your Maiestis greitest hopes, whairin all that followed your Maiesty did establiss thair felicity : How ernistly at that tyme all your forrayne freindis did wish

your Maiestie to keep correspondence with all the Catholique princes : What advantage the compeditouris might have taken, if sum such cours had not bein ather trewly or simulatly followed. *Et si violanda fides* (whairin your Maiestie was so tendir as ye did alwayis refuse) that it may mitigat sumwhat my offence, becaus it was done, *Regni causa* : That by this Lettre your Maiestie is nather tuiched in honour nor conscience, nor your state bound till any conditioun. That sence the most blessed success of your Maiesteis hopes hes made it appeir to the worlde, that that service hes done lital good, yit it hes done no harme, except, alas, that to my waspekable sorow and greif it hes your Maiesteis displeur by this malicious publishing of it ; which, sence my lyif and estate is not able to redeme, for expiatioun whair of I can do no moir but haif submitted myself to indure what punishment your Maiesty will lay wpon me. And sence in all the bygaue cours of your Maiesteis lyif, yea have evir reteyned that mark of the soverayue divinity, rather to be reputed *optimus* uor *maximus*, and to advance and mak vp those that hes served yow, nor to deface or destroy the wark of your owin handis, your Maiesty wilbe pleased to remembir my tuo and twenty yearis service, so liberally rewardit by your Maiesty far above my merite. And compairing it with thir oue erreur, which (I protest befor God) was not *prauce dispositionis*, but out of the best intentioun I culd, with the hazard of my credit to have furdured your Maiestis service. And out of your most Royalle misericorde, declair your princely will, that I may iu all humbill submissioun obey and fulfill the same. J. BALMERINO.

Indorsed : Copy of my Apologie, 3 Novembris, to his Maiestie.

57. [JAMES, LORD BALMERINO,] to MR. DAVID ABERCROMBY—To move the Queen in his favour. c. 1608. [Contemporary Copy.]

COUSIN,—These ar to rendre yow most harty thankis for your love and cair of me, and to request yow, as ye find fitte oportunity, to keip her Maiesty in that accustomed cair, which so wndeservedly her most gracious Maiesty hes had of me ; And that her Maiesty wald be pleased earnestly to imploy the Erl of Dumbar, that now at this tyme I may be at sum setling in my estate. I haif wretin to my Lady Jane to do the lyik, and both of yow I man most kyndly entreat, to rendre my Lord of Dumbar loving thankis for his kynd favour shawiu wnto me ; and that ye will keip my Lady in memory that both her Maiestie and the Erl of Dunubar wil be instant . . . [torn] of my freindis to put aue end to my misery. For if it sall not be done wpon his rreturning, I wil be dispaired of any good success of it. So looking for the continewance of your cair, which I pray God I may be so happy as to acqyt, I committ yow hartly to God.

Indorsed : Mr. David Abercromby.

58. INTERROGATORIES put to JAMES, LORD BALMERINO, regarding the Gunpowder Plot, and his Answers. *Circa* 1608. [Copy.]

1. BEFOIR the day of the Poudre treassoun, or adnertisment of the discevery thairof, war thair any bruittis spred in Scotland that shortly thair wald strange newis be hard of, and greit alteratiounes fall furth in England ?

Ansuer. So far as I remembir, I wreit to the Erl of Dumbar that thair was sum bruit of bissines in England.

2. How lang war these bruittis spred in Seotland befoir the discovery of the tressoun heir ?

Ansuer. I hard thame not whill the morne aftir the newis cam fra the Erl of Dumbar ; and having inquyred after thame, I culd lerne no moir, but that sum poor fellowis war cum from the Lewis sum few dayis befoir, had saide in sum aillhouses that in thair camp thay had hard of sum alteratiounes in England. The fellowis war gone and the report had no dettour. So thair was no moir of it whill the lard of Ardrrie cam ; and I hop he hes declared heir what he hard of that mater thair.

3. In regard yow did shaw to his Maiesty that such bruittes had been spred thair befoir the tressoun, and that his Maiesty thairwpon did will yow to tak tryell of the same. What did yow in the tryell thairof, or whairwpon did yow find that these bruittes had begun ?

The former ansner satisfyes this.

4. Whidder did yow resave aduertisment from the Erl of Dumbar by paequet, of the discovery of the Poudre Treasoun ; and whidder was not the sam the first aduertisment that yow had thairof ?

Ansuer. The first aduertisment we had was by the Erl of Dumbarris paequet.

5. Did not the Erl of Dumbarris lettre contyne that the foirsade tressoun was of the plotting and devysing of Jesnistes preistis and Papistes ?

Ansuer. I beleif it did, and I think the clerk of the counsall hes the lettre.

6. War thair any lettres direct ather from the counsall of Scotland or your self, to any nobill men, borrowis, or other estate of that kingdome, to certify thame of his Maiestes happy delyvery, and willing thame to gif humble thankis to God for the same ?

Ansuer. The aduertisment as I remembir cam in the nicht. The nixt mornyng the counsall conveynit. And (as I remember) directed adnertismentis throw all the cuntrey ; and in Edinbmrgh all went presently to churche. And I think thair was a speeciall day appoynted thorow all Scotland for solenne thankis geving. And what partienler aduertisment I made to all my freindis

and acquayntance I wish his Maiesty had seen. Alwayis, the counsallis directionnes I remitt to thair recordis, and I hope thay sall give his Maiesty satisfactiounn.

7. Did not these lettres that war directed mak mentioun that the tressoun was plotted by papistes for the advancement of that religioun ?

Ansuer. I beleif thay did : alwayes thay war directed from the counsall, and I remitt me thairto.

8. If thair was no such thing mentioned in these lettres, wpon what ground was it omitted, sence it was specially aduertesit be the Erl of Dumbar ?

Ansuer. I beleif the counsallis lettre caryed the narrative of the Erl Dumbarris lettre.

9. War yow shortly after the discovery of that treasoun, at least any tyme within half a yeir thaireftir evir in conference with any nobill man in Scotland concerning that turne ?

Ansuer. I can not think but I haif had conference with many, both nobill men and otheris, anent that fact ; but I think nevir man hard me talk of it, but is [as] a most vyild, divilish, abominable and detestable treasoun.

10. Had yow nevir any such discouris or talk with any persone concerning your awin iugement of the plotting of that treasoun ?

Ansuer. I do not weill remembir, but if I did, I did delyver my iugement in sik sort as became a good Christiane and a loyall subiect.

11. Did yow not affirme to a nobill man that the treasoun was no way wpon any cours of advancement of papistry, and that thair was nather Jesuist nor preist wpon the same ?

Ansner. I culd nevir made any such affirmatioun, for the contrary was seen and more then manifest to all the world.

12. What did move yow to delyver your mynd so, and how culd yow affirme it, sen the contrary had been wretin to yow by the Erl of Dumbar ?

Ansuer. I had nevir such a mynd, nather culd any man haif it, that was ather led with reasoun or sense.

13. What moved yow in a discouris with a nobill man of Scotland to affirme that the Sherif, who was the persewar of Catesby and Percy was a Papist ; and that thairfoir the treassoun culd not be a cours intendit for alterationn of religioun ?

Ansuer. I do nocht remembir of any such discouris, nather beleif I that any nobill man will say.

14. What moved yow in your conference both at tabill and other tymes to affirme that howevir sum wald perhappis ascrive the plotting of the Poudre Treasoun to haif been a conrs for alterationn of religioun, that it wald not the les not try any such

thing but only the wark of sum discontented humouris to advance thairby thair awin privat fortunes?

Ansuer. I nevir keipit any such discours tending to that end, and I think no honest man of fame or credit will say it.

Indorsed: Interrogatouris and my first ansueris anent the Pouldre Treassoun.

59. ALEXANDER, FOURTH LORD ELPHINSTONE, to SIR ROBERT KER. c. 1608.

[Contemporary Copy.]

RYCHT HONORABLE AND LOWING FREIND,—Albeit I haue nocht the fawour to be partiularlie acquaintit with you, bot understanding be my sone your kyndlie acceptance of him, and your honorabill disposition to euerie ane of your freinds, I haue thoght it ane pairt of my deutie to rander you hairtly thanks for your kyndnes; and maist crnestlie to requiest you, that sa far as ye may, without offence of his most saereid Maiestie, ye will haue ear to proeuir his Maiesties compassion to my broder. And if be your fawour and happie credit with his Maiestie (wpon assurance whair of we plaice our cheif confidence) his Maiestie may be moued to consider with this ane fault, and in it my broders good intention, his tuentie yeirs seruiees with als greit cair, paines and faithfull affection as any did euer serue his Maiestie, I hoip it sall nocht be any discredit to his Maiestie that he feill the sueit of his Maiesties clemeneie. And it wilbe sa strait ane obligation to ws all, that ar his freinds, whilk we will newer be able to acquyt; bot what our abilities can be able to performe for your seruiee and contentment, ye sall find us maist willing to accomplish. And for my self, albeit my aig, infirmities and soroufull greifs for my onfortunat broder his distresit estait, hes mead me to haue lytill plesuir of my lyif, yit if it may pleis God be your honorabill credit to proeuir pitie to my broder, baith your self and the world sall sie I sall not die onthankfull. And as to that reuersion of Ropers offee, I think my broder will think him self happie, that sik meins hes proeuires to him sa honorable ane freind. And wald to God that any of ws wha apperteins to him had that in our pouer or possession, whilk might giue to you greiter proue of our kyndnes and goodwill. Sa efter my meast hairtly prayers for his Maiesties honour and happi[n]es, I wish you the continueance of his Maiestis maist happie fawour, and to my self sum confort of your credit.

Copie of my Lord Elphinstones lettre to Sir Robert Ker.

On the other side of the paper is the following:—

My Lord and Cousin, it will pleis you rewien this dracht of ane lettre and to cik or pair as ye think good; bot I pray your [lordschip] look naroulie to the ortogra[p]hie, and mend it, for nather I nor my man can speall weill.

Your lordschipsis lowing cousin, and gosseip to serue [you], A. L. ELPHINSTON.

60. JAMES, FIRST LORD BALMERINO, to LADY JANE DRUMMOND,—Asking her to join with the Queen and Earl of Dunbar in his favour. c. 1609. [Contemporary draft.]

MY LADY JANE DRUMMOND,—My very honorable good lady, I have taken the boldnes to wreat these few lynes to her Maiestie, that sho might be pleased to take notice of my lord Dumbarris kyndnes, which he hes shawin to me, and to move him to labour ane end of my trubill. I may also most hartely entreat yow to give him thankis for that honorable favour he hes evir cotinewit, according as was commouned betuix yow, at his cuming in this cuntrey. I hope in God his Maiesteis tyme be now at hand, and I am almost at the end of my patience, althocht I haif been about to husbände it the best I culd. If yow tuo joyne with her Maiestie, and her Maiesty, following the Erle Dumbarris advyis, employ her credit, I know it may effect a greitter mater. If at my Lord Dumbarris first cuming, tyme be not taken, my ennemis heir will still be inventing calumneis to irritat his Maiesty. No man knowis this better nor my Lord Dunbar who hes crossed anew of thame. If the Quenis Maiesty accept kyndly of his favouris shawin to me, and ye your self think what benefit your respect hes bred to me, it will supply my inhability, and he will not think his labouris ill bestowed. I remitt all to your discretioun and accustomed undeserved favour, for the which yow may expect no thing but the idill professioun of his bounden deuty, who is and shall evir continew, your ladyships very affectionat broder to serve yow.

J. L. BALMERINO<sup>r</sup>.

I have had my lord of Scone a favorable keipar, so far as he might with his credit. Ye will acqnyit it, if he stand in neid.

61. JAMES, LORD BALMERINO, to SIR ROBERT KER—Requesting his good offices with the King for his pardon. 10th May 1609. [Contemporary draft.]

RIGHT HONORABLE AND LOWING FREIND,—Thes ar to rander yow moist hartlie thankis for your kyndlie acceptance of my nepueu, and your willing mynd, so far as ye may, without his moist sacreid Maiesteis offence, to move compassioun of my moist miserable estate. As to that maiter of Ropars, althocht it was so weill secnirit as quhat ewer became of me, I haid appoynted it for the help of my poor childrin, quho hes not offendit, and I hoip sall newer be so onhappie as I have bene; yit I thoct it ane greit happienes to me, how sone I vnderstuid ye haid ane respect to it; knowing how fortunate ye ar in his Maiestes favour, and how wurthie in your honourable dispositioun, so as I do expect that my willing surendaring of it, to your behove, sall

conqueis me a wurthic freind, quho will kendill his Maiesteis naturall clemencie to a poor peniteut. For, as my offence is onexcuisabill, so is the meanis whairby I have labourit to expiate it, gif thai war trewlie reportit to his Maiestie, als incredabill. God knawis what my lyif is in comparisone of that I have sustenid, and give my estait conten[e]w bot ane verie schoirt tyme, nature will satiat my insatiabill enemeis; and it may be without any greit contentment to his Maiestie. Gif my daith may ade any thing, aither to his Maiesteis honour or satisfactioun, so it will put end to miserie; and I desyir no continuatioun of it. And give his Maiesteis clemencie hes destiuert me any favour, why sould it be ecclipsed be laying on me greitter crueltie nor dathe it self? The world hes seue how many iguominies I haif susteneid; the physitians hes testefeid my constitutioun; and with the bearer I have send the anatomi of my fortune, quhilk I am suir I haif bocht als deir with als greit cair and travell, and als faithfull effection as any that ewer made ane estate in his Maiesteis service; and give I war persuadit that his Maiestie thocht I war giltie of thes poyntes, whairof I have suffered thame, or that I haid ewer harbored in my hairt ane oudeutifull thocht of any of thame, God is my witnes, I sould be moir desyrous of ane miserable end, wurthie of my onnaturall ingratitude, nor all the enemeis I have. Bot that greit God, who is the sercher of all hairtis, and in his awne tyme will bring ewerie thing to light, will cleir my intentioun, and maik my honest effection contenwallie to his Maiesteis service knawin to all the world. I do not wreit this to excuis my error, or to plead that I have not deserved all is layed vpone me, bot to move your compassioun of my misfortune and that I may haif ather ane end of it by the commonne end of all sorow, or the benefite of his Maiesteis undeserued clemencie. I have willit the bearer to participat to yow my insupportable misereis, and I presuim of your curtosie ye will have aue cair of me; and quhat ye can requir of me forder for coroboration of that ye have of Roparis reuersioun moir theu Maister hath, and Sir James Crichtoun can schaw yow of my intentioun, how to have maid present benefite of it, I sall moist williuglie do the same, as I newer thocht any benefite in my lyif better bestowit; so I doubt not, gif it may pleis his moist gratiuous Maiestie to have compassioun of my miserie, ye sall not repent yow to have employed your credit for my good. I remit all particularis to the sufficiencie of the bearer, whom I have caused my nepueu direct vnto yow. So with my moist humbill prayer for his Maiestie honour and happienes, I wish yow als greit joy in the contenwatioun of his Maiesteis favour, as with vnspeikabill miserie I have susteind this quhyll the want of it, deirer to me then ten thowsaud lyiffis.—Youris verie lowiug freind to serve yow.

I recommend to your discretion Mr. Heath, whos sufficiencie will not frustrat your expect[at]ion, and in trust will not proue inferior to any of his profession.

Falkland, the 10 of Maii 1609.

[The Draft is written on the 3rd page of a sheet of 4 pages. On the first page is the Draft Letter to Queen Anne. Indorsed on fourth page : "Copie of the Lettres sent to hir Maiestie and to Sir [R.] Ker."]

62. INSTRUCTIONS [by JAMES, LORD BALMERINO] how to deal with Sir Robert Ker [and John, eighth Lord Hay of Yester]. c. 1609. [Original draft.]

SIR ROBERT KER.

YE will remembir me very kyndly to Sir Robert Ker : that I think myself very happy, that that thing was in my power that might plesur him, protesting that I nevir in my lyif thoecht any thing bettir bestowed, knowing his honorable dispositioun and what his love may availle me.

That I repos absolutly wpon his credit, and that thair is no thing whairin my ennemis can wirk my wndoing but in the delay of my pardone.

What eurious plottis is layed down to eaus eum furth fra forrayn partis sum pamphlett to exasperat his Maiesty aganes me : and gif that fayl thame, to sett furth not far of that thay knaw will mak the king most offendit.

Whilk can no way be prevented but by preventing thame be my remissioun, whilk if it war ather signed or deponed in her Maiesteis hand, the Erl of Dumbarris or Sir Robertis awin, I wald think me in sum litill security.

As for my warding, so I war a litill more frie in respect of my indispositioun, I compt not ; or if his Maiesty wald haif me to be banissed, thair is no thing may yeald his Maiesty satisfioun, whilk I will not willingly wndergo.

The world hes taken notiee that he professis to be my freind, and it war a stayne to his credit, if I suld sustayne harme.

And if it pleis God that by his favour I may be frie of this trubill, I wilbe als thankfull to him or his, as any he euir bestowed his love wpon. Ye wil lat him sie the straitnes of my Lord of Seones warrand, whilk he dar not brek for hasard of his awin credit. And thairfoir, sen my tryell is done in every thing to his Maiesteis satisfioun, and that my straitt keiping hes bred me this infirmity, whilk, gif it continew, will put an end to all this bissines and do my wnfreindis harme. I desyr, if it war possibill, that I micht be confyned in Sanet Androis and a myll or tuay about it, whair I micht do my litill affaires, proeuir my helth, and settill my estate. For sen he hes gottin that whairwpon I repossed the help of my barnes, and payment of my dettis, I man sell as I coft, and keip my credit, whilk I can not do, no man having access to me nor I nocht having the use of paper or ink. If his Maiesty will nocht, that I be removit fra this, that I may haif liberty of the park and gardingis, at sum tymes for

my helth, and access of men to me that hes ado, I being alwayis snrely gardit, for I am addetted moir than a hundreth thousand pundis, and gif I get not liberty at this Witsonday to deill in the selling of sum landis or making blokkis for my crediterris releif, I wilbe alluterlie wndone.

I haif drawin the forme of my Lord of Scones warrand, lat it be mendit at his Maiesteis plesur so [as] I may haif lauchfull meanis to releave my dettis and do my turnes. I cair nocht how suirly I be keipit, for cum what sa will, I am resolvit till abyd the worst.

Gif my remissioun tend to delay, lat my forfaiture be exped, only to the end I may sell sum parcell to sett aff the most importun of my creditouris ; for I standing forfaited, I can do no thing, and if my forfaitour war dispoit, the donatour nicht sell be my advyis. I was desyred to send Sir Robert a ratificatioun of my surrender of Roparis reuersioun. I haif send it to yow, but not to be delyverit, except I get ather my pardone or my forfaitour past, alwayis use it be Sir James Crichtoun and Sir George Hayis advyis.

Ye sall in all your dealling both with my Lord Hay and Sir Robert Ker follow Sir James Crichtonn and Sir George Hayis advyis.

Commend me hartly to Mr. Robert Pitcarne and desyir him to be earnest with his Maiestie for me.

#### MY LORD HAY.

Remember me kyndly to my Lord Hay, and gif him thankis for his bygane favouris, whilk, altho I nevir deserved yit our obligatioun of blood requyris sum deuty, and the olde frendship betuix my Lord his fader and me, with my awin evir willing dispositioun, whairin I cnld to have shawin my affectioun, I hope sall yeald me the continewance of his favour. And that he will concur with Sir Robert Ker that I may be something enlarged and that my pardone may be exped.

Excus my nocht wreititg to him for lake of means in respect of my Lord of Scones warrand, whilk, albeit it wes meanit be his Maiesty to have endured but whill my tryell had bein endit ; Yit he still continewis his rigour whill he get sum warrand to the contrary. And if it may pleis his Lordship to concur that I may haif liberty to wreit and do my lanchfull affares I sall amend my past neglect of deuty in the most kyndly sort I can.

Indorsed : Instructiones for Sir Robert Ker and my Lord Hay.

The Paper is headed : Instructiones how to deill with Sir Robert Ker.

63. INSTRUCTIONS by JAMES, LORD BALMERINO, how to deal with Queen Anne, and with Lady Jane Drummond, so as to procure his pardon. *Circa 1609.*

THE QUENIS MAIESTIE.

FIRST, ye sall remembir my most humble service [to] her most sacred Maiesty, with my humble t[hankis] for her wndeserved cair of me: whilk, if it p[leis] God to wirk my releif, I sall spend my [lyif] and all that belongis me in her service.

That her Maiesty will excus my importunity, becaus I am suirly informed that the del[ay] of my remissioun is indirectly procured by [my] ennemis both in Scotland and England [that] thay may procure from sum forr[ayne countrie] sum pamphlett or fals calummie . . . to incense his Maiesty to tak my lyif.

That I am nocht so much curious . . . lyif, as of her Maiesteis credit, sence . . . world hes taken notice that I . . . Maiestes servand, and that she . . . a dealing for me, and that I . . . depend wpon her Maiesteis favour.

That her Maiesty for furdurance of . . . will dispens with ceremoneis and . . . both Sir Robert Ker and the Lord [Hay] for ane end of it.

That her Maiesty will lyikwayis . . . Erl of Salisbury (whom I mos[t] . . .) that conforme to his many promesis . . . will yeald her Maiesty a prui of [his] fidelity.

That her Maiesty will be pleased to consider the danger of my present estate, that wpon ane houris warnyng may haif my heid e[ut] of, whilk wilbe no less discredit to her [Maiesty] nor lois to me and my freindis.

Ye will acquaynt her Maiesty with the physicionis resolntioun anent my health, that her Maiesty may be the moir instant for snm farder liberty. But the speciall thing I wish is ather my pardone [or] ellis my forfaitour. For when his Maiesty hes gev[in] my forfaitour to my broder for the mayntenance of my barnes, he hes shawin me no favour.

To my Lady Janes loving and most kyndly cair, [I] can wish no thing to be added, nather can I use any complementis to her: but as I have been in former tymes, so am I still moir bound to her self, and all hirris [*sic* for hers]. Only that sum importunity may be used with the best dexterity can be to mak the Quenis Maiesty appr[e]hend the greit malice and curiosity of my ennemis, tending no les to her Maiesteis discredit nor my wrak.

That my cousin, Mr. David Abercrumby, will with the lyik affectioun concurre, as I wilbe reddey till acquyit it. He may lat her Maiesty know that both from Scotland and England lettres ar wreittin be my ennemis, if Catholiques can be persuadit to do me wrang: And if not, sum fals supposed inuentioun will cum furth to exasperat his Maiesty, that I may be out of thair way. So it is not now tyme to stand wpon

cerem[onies], for I look for it soner nor men beleivis, and I know folkis ar sett a wark to it; alth[ocht] the Kingis Maiesty will not be persuadit of any sik thing, being possessed with these who wilbe the principall wirkeris of it indirectly.

Indorsed: Instructionnes for the Quenis Maiesty and my Lady Jane.

The Paper is headed: Instructionnes to deill with her most Sacred Maiestie.

64. ALEXANDER, FOURTH LORD ELPHINSTONE, to ALEXANDER, MASTER OF ELPHINSTONE, his son—Debts of the Laird of Airth, etc. 12th November 1617.

SONE,—I purpoissit at my enning out off Edinburgh to haiff returnit thair agane this day, for ordonr taikiu with the deittis I am inwoilwit into, bayth off the lard off Arthis and my avin; quhilk off treuth breidis me sick greiff and miscontentement, as I can nocht declare, nor abill to indure; and albeit I com in this day, I was not abill to cum back befoire the 20 day, quhilk is the day off my comperance befoire the connesall, and I haiff sindrie thingis ado heir this oulk; sa hes contenowit my in cuming to Mununday and send in this berare, that with your help ordonr may be taikin to seitt off this wofull torne; intreitting yow to haiff kaire thair off, that I may be sailtit and puit to sum rest, that giff possible I mycht haeff pace and rest, now in my auld dayis, I mycht haiff it. The lard of Arthe his estait man sell, and so now I lay my compt, that I regard nocht quho geit it, so I war freid off this miserie and cummer. Quhow ever it go, I think we sall nocht be loissarris, and we ar nocht abill for it; so off necessetrie we man lait it go &c., and to sie quhat may be goittin to the puire vyff and hir bairnes: and as for this yeris reut boyth off stocke and teind, he sall haiff no intromissioun, bot with that assyngnit to him at our meting in the Falkirk.

Ressaiff thre cessingis, quhilk ar registrat, as ye may sie, with the precept out off the Chancelarie. Caus geit the chartouris, and geit ane buist and puit tham altogidder into, &c. The assingnatioun, that boyth ye and I subseruyit at Stirling, to your broder Michael off the xij<sup>e</sup> merkis in the Lady Brnchtonis handis, assingnit be my Lady Orknay, is in missing with the haille secureteis past thairon; and without Alexander Lyntoun or sum off youris haiff it with thais s[e]cureteis, I dispaire off the geitting off tham; for your moder sayis she hes tham nocht; nor never gait tham, sen Alexander Lyntoun gait tham to mack that assingnatioun we snbseruyit in Stirling. I haiff wreittin hieranent to Alexander Lyntoun. I haiff ordenit this berare to stay in Edinburgh my inenning, and to send hame his horsis. I was nener in sick estait for lack off silner; quhair it is restand me be my tennentis can nocht gait it in. Sum lytill victuall was sauld, can nocht geit payment: and it I haiff to sell, can nocht geit pryse for itt, and albeit I could sell it for half pryce, will geit no payment to Witsunday &c. I foryat

at my last being with yow to geit ane warrand for allowance off the taxationn off the Barronie off Kildrymmie, for Thomas Esplein wreit to me to geit it, bot I foryett ; thairfoire geit it, that with the first it be sent northe. Wreit to me with the boy that bringis hame this berarris horss. At this tyme hes no forder. Remittis the rest to your adnerteisment and our avin meting. Committis yow to God. Now and ever restis, youris kniffing faider at pouer,

ELPHINSTON.

This xij Nouember, airelie, 1617.

Indorsed : To my kniffing sone, the Maister off Elphinston &c. &c.

65. SIR ROBERT GORDON to ALEXANDER LINTON, servant of Alexander, Lord Kildrummie, afterwards fifth Lord Elphinstone—Escheat of John Robsone. 23rd Febrnary 1618.

TRAIST FREIND,—Since the wryting of my last letter, I am informed that Macky hes dederect south to tak the gift of Jhon Robsone his esheat, cheftane of the Clangun, who is at the horne for Crafourd and Colts his turnes : which is done in malice be Macky, seiking the man his wrack at the Earle of Cathnesse instigation. I pray yow try if the gift be past either now or the last yere ; if it can be helped, ye shall adwerteis my Lord Elphinstone hereof, and cause him speak the thesaurer depnte, who I am assured will giwe no man his esheat to his enemie, in his preiudice. If it be not past, yee shall cause my lord speak the thesanrer depute, that incace he dispone of that esheat, that he tak a band of the donatonr, that it be to the partie his owne vse. Thus I rest and remaines, your assured freind,

S. ROBERT GORDONE.

Dunrobin, the 23 of Febrnarii 1618.

Indorsed : To my traist freind, Alexander Lintone, serviteur to my Lord of Kildrummie.

66. JOHN, FOURTH EARL OF MONTROSE, to ALEXANDER, LORD KILDRUMMIE—Of the lands of Little Cardine, and rights of Lord Madertie to the same. 20th Junne 1618.

MY VERIE GOOD LORD AND COUSIN,—I doubt not bot your lordship is acqenitit be the laird of Garvok of the commonning, quich hes bene betuix me and my Lord of Madertie, anent the satling of that erand of Littill Cairdine, quich at last is brought to such poynt that my Lord of Madertie is content to accept some sowmes for his richt thairof. And in respect your lordship knawis that thair is no vthir money to satisfie my Lord of Madertie bot these sowmes quich ar in my Lord of Tullibardins handis,

thairfoir I hane writtin ane lettir to my Lord of Tnllibardin desyring him to delyuer these sowmes to your lordship; provyding your lordship subscryue ane absolnte dimissioun of the saidis sowmes in fauouris of the air and bairnis, that the same may be employit pairtlie for satisfioun of my Lord of Madertie and to vthir good vses, to the vtilitie and weile of the saidis bairnis be your lordshipis advyse and myne and vthir freindis, quho ar tutouris to the saidis bairnis: quhilk I am assured your lordship wilbe moir willing to performe then I am to desyr, in respect your lordship hes gevin alreddie such effectuall pruiiff of your lordshipis honorable and loving fanour towardis the weile of these bairnis; and lykwayis ane trew testimonie that your lordship hes onlie tane the richt of these sowmes in your persone to the weile of the bairnis be your lordshipis band subscryuit be your lordship and putt in Inchebraikeis handis, quhilk I haue send with this berar, that quhen your lordship subscryues the ane band he may delyuer to your lordship the vthir. And I am informit also that thair is some conditiouns betuix your lordship and the laird of Garvok anent these sowmes. So doubtis not bot your lordship will mak all cleir that the same may be vpliftit and richtlie disponent, as said is. So assuring my self that in this your lordship will kyth your self ane honorabill and loving freind to the weile of these bairnis, in respect that gif my Lord of Madertie gett not schortlie satisfioun he will persew with all rigour aganis thame. My loving commendationis rememberit to your lordship, I rest, your lordships verie loving and affectionat consin,

J. MONTROSE.

Kincairdin, the 20 day of Junii 1618.

Addressed: To my verie good lord and cousin, my Lord Kildrinnie—these.

67. JOHN, EARL OF LOUDOUN, Chancellor, to ALEXANDER, FIFTH LORD ELPHINSTONE—To attend a meeting of Conncil. 9th May 1642.

MY NOBLE LORD,—The King's Maiestie hath commandit me to call a frequent meiting of his whole counsell to be at Edinburgh the fyve and twentie day off Maii instant, for bussines of verie greit importance, which doe in a speciall maner concerne his Maiestie and his kingdomes, and wherein his Maiestie is to requyre the aduyce of his counsell: These are therefore most earnestlie to requyre yonr lordship, that (as ye respect the good of his Maiesties seruice, and peice and prosperitie of his kingdomes, which I doubt not bot your lordship will prefer to all particular bussines quhatsoever) ye will keipe that meiting at the tyme and place foirsaid. In assurance whercoff I remaine, your lordships affectionate freind and seruant,

LOUDOUN, cancellarius.

Yorke, Maii 9, 1642.

Addressed: To my speciall good lord, the Lord Elphinstoun.

68. WILLIAM GUILD, D.D., Principal of King's College, Aberdeen, to ALEXANDER, FIFTH LORD ELPHINSTONE—The bells in the University. 28th July 1644.

MY VERIE GOOD LORD,—Your lordships vnexpected departure hence before the rysing of the parliament makes me now to writ to your lordship what I had in commission to speake, which is this : Of the fyve bells in the Colledge steeple of Aberdeen, fonnedy by that worthie cadent of your hons, to the eternall honour thairof and his, Bishop William Elphinston, by an vnhappie accident many yeers agoe, and fall of the steeple heade since in a tempest of wind (which is now reedified), two of the lesser of these bells wer riuen, and so not onlie made vnysefull themselues, but also makes the other three so for ringing that full and musicall harmonie, which was vsed euerie summer morning, and was matchles in the whole kingdome, to the great honour of that Vniuersitie, and delyt of all strangers that came to see the same. And seeing vpon these two lesser bells the name and armes of Elphinston ar fairlie raised at their first casting, and that thei ar to be casten oner againe onlie (haueing alreadye the mettall) to the same tme and quantitie as thai wer first; and the colledge being altogether vnable to be at the charges, throw the lait reparation of the ruines therof, and debt the same is yet in; and we being altogether vnwilling that any other but the name of Elphinston haue the honour to haue their name or armes on any of these bells, for the new casting therof. Therfor thought good to represent this to your lordship, that if it will pleis your lordship to be at the charges of casting them anew (which will be no great matter to your lordship) haueing alreadye the mettall, ther shalbe an honorabill superscription in raised letters about the lips therof, with your lordships armes, that such a yeer of God these being riuen wer of new cast at the charges of snch a nobleman, of whose hous the fonndatour of that Vniuersitie was a cadent, which will both eternize your lordships memorie, and encourage others also the more to be benefactouris to that famous hous. All which remitting to your lordships noble disposition and pious resolution, and the retrne of your lordships ansuer to your lordships humble and affectionat seruant,

W. GUILD.

Edinbnrgh, the 28 of Julii 1644.

For the right honorabill, his verie good lord, my Lord Elphinston.

69. THE LORDS OF PRIVY COUNCIL to ALEXANDER, FIFTH LORD ELPHINSTONE—Charging him to attend a meeting of Privy Council. 28th April 1645.

RIGHT HONORABLE,—The necessiteis of manie of the snbjectis of this kingdome, calling for justice frome ws, constrained ws to desire a meiting of the lordis of his Maiesties secreit counsell to be called, and kepted one Wednesday last, wher manie did attend expecting redresse of their wrongis frome them. Bot notwithstanding heirof

for want of a quorum the parteis were dissappointed of justice and forced to retorne home without hope of anie reparatioun, which will certainelie tend to the great pre-judice of the countrey, and ly heave vpon these whome the parlieament hes entrusted with the ordering of these affaires. This being a bussines of so great concernement to the peace of this kingdome, that we conceave our selves obleidged to take notice theirow, and have appointed the 7th of May nixt for a meiting of the secreit counsell ; of which number your lordship being oue, we have thought it necessarie againe to acquaint yow heirwith ; and to desire, as yow respect and will be ansuerable for the discharge of the trust committed to yow, that yow keep that dyet preceiselie, whereby the leidges may not still have just reasoun of complaint for want of justice : otherwayes, we must acquaint the parliament at their nixt sessioun theirwith, that all the inconveniences which may follow vpon the subjectis want of justice be charged vpon these who are obleidged and do not attend and minister it to them.—Your lordships assured freindis,

CASSILLIS.	LANERICK.	ANNANDALE.
YESTER.	J. BALMERINO <sup>r</sup> .	S. T. H. CRAIGHALL.
HAMILTON.	ARCHIBALD SYDSEF.	

Edinburgh, 28 Apryle 1645.

Addressed : For the Right Honorable the Lord Elphinstoun.

70. THE COMMITTEE OF ESTATES TO ALEXANDER, FIFTH LORD ELPHINSTONE—  
To rendezvous at Glasgow, with the Stirling gentlemen.

St. Andrews, 14th Octobere 1645.

THE COMMITTEE ordanis the Lord Elphinstoun presently to repaire vnto the sherrifdome of Stirlin, and ther to conveene the well affected gentlemeu of that shire, and of the sherrifdome of Clakmanan, or so many of them as he cau gett together : And gives warraut to his lordship and the saids gentlemen to comand all the fensible persoues of these shires betwixt sixtie and sixtene, to march vnto a randevous vpon Saterday nixt at Glasgow, with teu dayes provision, ther to obey such orderis as they shall ressave from Lieutenant Generall Lesly for the good of the Kiugdome, vnder the paine to be esteemed, proceeded against and punished, as cnemeyes to the peace of the Kiugdome.

ARGYLL.	CRAFURD & LINDESAY.
MARISCHALL.	FINDLATER.
LOTHIAN.	LANERICK.
YESTER.	ARBUTHNOT.
S. T. H. CRAIGHALL.	D. HOME.
S <sup>r</sup> M. BALFOUR.	M <sup>r</sup> A. WEDDERBURNE.
	JOHNE KENNEDY.

71. PROTECTION by GENERAL DAVID LESLIE to the Lands of Elphinstone.  
22nd October 1645.

By David Leslie, Leivtennent-Generall of the forces now presently in Scotland.

THEs ar to will and requyre all officers and sonldiers nnder my command, that they onnawayes trouble or molest the Lord Elphingstoun in the lands of Elphingstoun, Airth, Cragorth, Kersie, Quarrell, Skethmre, Woodsyde, and Bothkennor, cornes, horse, cattell, guids and geir, or any other thing, belonging to him or his tennents or the possessouris of the saids lands, as they will be ansuerable. Gevin at Glasgow, this 22 of October 1645.

DAVID LESLIE.

72. THE COMMITTEE OF ESTATES to ALEXANDER, FIFTH LORD ELPHINSTONE—  
To attend a meeting of the Committee. 11th Augnst 1646.

RIGHT HONNORABILL,—Such is the conditioun of affaires at this tyme that the good of Kirk and countrie, and his Maiesteis happines does much depend vpon the resolutionns to be tane in this exigent. For which purpose we have thought fitt to call for the advice of all who ar entrusted be his Maiestie or parliament with the gouernement of the affaires of the Kingdome, and have appointed a meiting for this effect to be heir vpon Tuisday the 18th of this instant. Whereat we earnestlie intreat your lordship to be present, all excussis sett aside, as yow respect the weale of Kirk and Kingdom and his Maiesteis happines, and will ansuer the trust layed vpon your lordship, and quherunto yow are now called be—Your lordships affectionat freinds,

J. BALMERINO<sup>r</sup>.

CRAFURD & LINDESAY. S. J.A. FOULIS. S<sup>r</sup> G. RAMSAY.

HAMILTON. A<sup>r</sup> WEDDERBURNE. J. SMITH.

M. ROBERT FARQUHAR.

Edinburgh, 11 Augusti 1646.

Addressed : For the right honorable the lord Elphinston.

73. JAMES, FIRST EARL OF CALENDAR to ALEXANDER, FIFTH LORD ELPHINSTONE—  
About outputting men to the army. 24th May 1648.

MY LORD,—I have receaved your lordships, together with your demand to the comitte of the shyre, and ther remit to me, concerning the out putting of your men ; wherin I should be very willing to goe along with your lordship to doe yow what service lay in my

power, but for this,—if I should doe any thing contraire to the determinatione of the comitte of the shyre, I should wrong my selfe in the oath which I gave to the parliament, for putting the publict orders in executione ; and giue occasione to others to demand the lyke, ther being such aversenes every wher for putting out of men to this armie. Wherfor I hope your lordship will excuse me, and not thinke that I would be any wyse wuwillling to doe you what service lay in my power. And if your lordship shalbe pleased to have your addresse to the comitte of estates (without whose order nothing cau be altered concerning the levi), I shalbe reddey to obey what they shall determine therin, as your lordships affectionat cosen and servand,

CALANDER.

Edinburgh, 24 Maii 1648.

Addressed—For the right honourable the Lord Elphiugston,—these.

74. JOHN, DUKE OF LAUDERDALE, to JOHN, EIGHTH LORD ELPHINSTONE—The King's commendation for seizure of arms.

Whitehall, 11th May 1676.

MY LORD,—I have seen the last letter yow sent to my brother, and have since fully communicated to His Majestie what is therein represented by your Lordship. In answer to which I am now by his Majestie commanded both to assure yow he is very seusible of your great care in that and all other matters relating to his service, and to returne yow his hearty thanks for the same : In the meantime his Majestie further commands me to signify his expresse pleasure to your Lordship not to parte with those armes seised by yow untill yow shall receive further orders concerneing the same from his Majestie, or<sup>1</sup> in his name signified to yow by, my Lord, your Lordships most humble servant and kind unkle,

LAUDERDALE.

75. THE PRIVY COUNCIL OF SCOTLAND to JOHN, EIGHTH LORD ELPHINSTONE—To keep the militia together. 12th Juue 1679.

MY LORD,—Wee receaved your Lordships of the ij instant, this day at nyne a clock in the fornoou, and have considered what yow represent anent the rendevous of your shyre, anent these prisoneris sent in, and the feares of ane attempt to releive them. It is our desyre to your Lordship that yow would continow your care in bringing and keeping together the militia, and the gentlemen, and to doe what yow can for guarding the foordes ; and that notwithstanding of the former order for marching with the gentlemen to the liukes of Leith. Yow are hereby ordered to stay at Stirling, till yow receave further order ; and if there have uot bein yet any attack for releiff of the

<sup>1</sup> From *or* to the end is holograph of Lauderdale.

prisoneris, that yow cause secure them in the castle of Stirling ; for which cause the Earle of Marr hathe wryte to his lievtennant. And in regnard of the many prisoneris that by this will be in the Castle, wee doe hereby give order and warrand to yow to draw out of the militia regiment thriescore men, and to send them in to the Castle for strenthening the garison, who are to receave and obey orderis from the governour therof. Wee are your Lordships affectionat freindis,

	LINLITHGOW,	DOUGLAS,
S. G. KINAIRD,	STRATHMORE,	MONTROSE,
JA: FOULIS.	JO. EDINBURGEN,	MAR,
	BELHAUEN,	MORRAY.

Edinburgh, 12 June 1679, half eleven fornoon.

Wee desyre that these thriescore men may be pickt out of the choysiest men of the haill regiment.

Addressed—For the Lord Elphinstoun,—these.

For the Kings service, in haste.

76. JOHN, EARL OF ROTHES, to JOHN, EIGHTH LORD ELPHINSTONE—To march towards Linlithgow and join the King's forces. 15th June 1679.

MY LORD,—Yonr lordships of yesterdayes date being comunicat to the Councill, they have thought fitt to order and appoynt your Lordship and the heretouris of Stirling shyre vuder your command to march alongst with the militia regiment of the shyre of Perth vnder the command of the Marquis of Montrose to-morrow towardis Linlithgow, or so farr as yow can, in order to your joyning with the rest, of the kiuges forces. And as to the militia regiment of foot, they have ordered them vther ten dayes provision, for quhich purpose they have wrytten to the leivteunant collonell, giveiug order for that effect. Signed in name and by warrand of his Majestys Privy Councill, by your lordships humble servant,

ROTHES, Cancell. I.P.D.

Edinburgh, 15 June 1679.

Addressed—For the Lord Elphinstoun,—these.

For the Kings service, in haste.

77. JOHN, EARL OF ROTHES, to JOHN, EIGHTH LORD ELPHINSTONE—To seud in a list of those who attended the King's host. 6th January 1680.

MY LORD,—By a missive of the 23 of December last his Majesties Privy Councill, having appoynted yow to send in a list vuder your hand, betuixt and the fifteenth day of January instant, of these heretouris in the shyres of Stirling and Clackmauan who

did attend the Kings host and did not desert the same ; they have thought fitt againe to renew their commands and to appoynt that the said list be subscrivved with your hand, bearing that the same is a just and truc list, and that no persons names who were absent or deserteris are kept furth thereof, as yow shall ansuer to God. Signed in name and by warrant of his Majesties Privy Councill, by your lordships humble servant,

ROTHES, Cancell., I.P.D.

Edinburgh, 6 January 1680.

Addressed—For the Lord Elphinstonne,—these. Haste.

78. JOHN, EARL OF ROTHES, Chancellor, to JOHN, EIGHTH LORD ELPHINSTONE—  
To attend the Duke of Albany on his arrival in Edinburgh. 23d October 1680.

MY LORD,—His Majesty haveing signified to his Privy Councill that he hes sent his Royall brother, the Duke of Albany, into this kingdome, who is hourly expected to be here, the winds havcing been fair since his Highnes parted from England ; and it being the duety of all his Majesties good subjects, and especially of these whome his Majestie hes honored to be his privy counsellouris (wherof you are one) to pay all the possible respect and attendance to his Royall Highnes at his entrie : therfor the Counsell requires you with all possible speed to repair to Edinburgh ; And that you would likewise give advertisement to any noblemen or gentlemen who reseid neir you, that they may likewise come hither upon this occasione. Signed in name and by warrand of his Majesties Privy Councill, by your humble servant,

ROTHES, Cancell., I.P.D.

Edinburgh, 23 October 1680.

79. JAMES, EARL OF PERTH, Chancellor, in name of the Privy Council, to JOHN, EIGHTH LORD ELPHINSTONE—To rendezvous the Stirling Regiment of Militia. 9th May 1685.

The present exigence of affaires requyring that the Militia Regiment under your command should be putt in a readieness to march as his Majesties High Commissioner and the Councill shall order. You are therefor furthwith to cause intimate to the heretouris and others concernd in their outreike to have their proportiones of men respective in readines to randevouz at the ordinary place the nynteinth day of Maii instant, and so oft thereafter as you shall think fitt : And to be ready to march with twenty dayes provision as you shall receive orderis from the Councill : and if any of the

outreikers shall faile to have their men in readines sufficiently armed at the said dyet of randevouz or thereafter to march, as said is, you are furthwith to acquaint the Councill therwith. This being his Majesties High Commissioner and the Councils expresse commands, and so much importing his Maiesties service, is signified to you by your Lordships humble servant,

PERTH, Cancell<sup>s</sup> I.P.D.

Edinburgh, 9th Maii 1685.

Addressed—For the Lord Elphinstoun, Collonell of the Militia Regiment of the shyres of Strivling and Clackmanon.

For his Maiesties service.

80. J. BUCHANAN to JOHN, EIGHTH LORD ELPHINSTONE—About sending men out to the Militia. 18th May 1685.

MY LORD,—As to my Lord Montrois and his wassales ther interest in this shyre they ar not in a capacitie to answer this presentt militia, hawing alreadie pwtt owt ane hwn drethe and twentie men to the weast cuntrie, to whom they gawe all the airmes they had, nor does my Laydie Montrois exspect that hir sonnes land showld be burdeined more then others who did pwtt owt men to that expeditione, who, as we swppose, ar frie of the militia companies att this tyme in regaird that they did send men to the weast cuntrie as be the proclamatioun hearwithe sentt may be conceaved. I rest, my Lord, your Lordships most hwmble servantt,

J. BUCHANAN.

Buchanan, the 18 of Mai 1685.

Addressed—For the Rychtt Honorable my Lord Elphinstowne,—thess.

81. J. LEVINGSTONE to JOHN, EIGHTH LORD ELPHINSTONE, Colonel of Militia—  
Giving news of Argyle's capture, etc. 20th June 1685.

Glassgow, 20 of June 85 at 10 aclok.

MY LORD,—The Generall hes no funder orders to yow and regement then to keip strick guards and cause seik for, and receave any of the rebells prisouners that is to come neir yow or to be delivered. Ye ar to send wp ane ordinance to his Excellencie thus night to Kilmarnock, or quher he is to be ; if not the night, with all conveniency.

Argyle is caryed away hence in Dindonald's coach with a party of the Kyngs guard, dragownes and my Lord Inerowray troupe of horse, to Edinburgh. His lordship looks evill on it, and abyds basse in his principalls as yet. There is maney prisouners come in heir to the number of 80. I have seine Collonel Rumball is brought just now

in wounded, and is to be caried presently to Edinburgh. Colonel Eliott hes in thus prison the last night stobed himselfe with a pen knyfe, bot as yet is not dead. Some minists is heir taken that was with Argyll.

The Duck of Gordon is to be from Dnmbarton thus night at Glasgow with 5000 men. Lauderdale and Yester come throw yesternight and crost the bridge with their troops. Maney is goeing west with the Generall. Its lyk fyve or six days may concludé our stay, if his Majesties service requyres ws not to mor then is expected.

My Lord, I receaved a letter just now from home acqnanteing me that I have a sister at the poynt of death, qnhich iff she die befor I sie hir Ile be prejudged ; so I am to goe home, and within tuo or thrie days shall retnrne, if ye ar all to stay so long. I expect that ye will excuse my sudden call. My Lord, my service to yow, the Laird of Tonch, Major Balfouls, and all comrads : and I am, my Lord, your lordships humble servant,  
J. LEVINGSTONE.

For my Lord Elphinstone, Collonel of Stirling shyre militia at Eglesome, or in his absence to the Levtenant Collonel, or comandng officer.

82. LIEUTENANT WILLIAM LOCKHART to JOHN, SIXTH EARL OF WIGTON—British Campaign after the battle of Dettingen. 1743.

Camp of Spiers, September 30 N.S. 1743.

MY DEAR LORD,—To the best of my remembrance I wrote to you just after our affair at Dittingen, and ane other upon our leaving the Camp of Hochst ; but as yet nevir receivd any answer, which gives me some uneasiness, because by a letter I had from my brother he mentions that my sister was very ill. I must beg the favour of your Lordship, upon receipt of this you'll be so kind to let me know how my sister is, for till than I shall have no peace in my mind. By this time I make no donbt but you have heard of Lord Stairs sudden departure from us. The reall cause for his doing of it I cannot tell yon ; for I have not seen any body who says that they saw his demission he gave the king. Every one heir (espetially the Scotch) is very sorry for it, and I wish the army in generall may not suffer. I'm told that the King found he fail'd in his judgement and memmory. As his Lordship will be soon amongst you, I presume he'll give ane account for what reason he left ns better than I can do. The army is commanded by the King, but his Majesty has taken Sir Phillip Honeywood, Sir James Campbell, and Sir John Leegoneer, to be his assistants in every action that is to be done. Sir Phillip Honeywood, as eldest generall, will command next to the King, and he will have a hard card to play ; for shou'd he miscarry in any single point, Lord Stairs party will not let it dye in peace. As to our situation at present

and what we are to do is a great secret. We are now encampt at Spiers within a days march of Landaw. We are at last joyn'd by the Dutch, but instead of 20,000 we have only 15,000. Prince Charles is still in his Island half over the Ryne, but is strongly opposed by M. Conni . . . [word blotted. M. Coigny] that he cannot get his boats fix'd to the other side. However, Prince Charles harrasses them so much by sending partys up and doun the river that M. Noaills has sent him 25 battallions and some regiments of horse to reinforce him ; and to be able to oppose him the better, the French have left Landaw and retyr'd a little further into Allsaice, but has left ten thonsand in Landaw, who will defend that place against all our army for this year, by reason we have no other cannon of grater force than 16 pounders, which is of no force against that strong toun. They have eat up everything before us, which I do assure you we find at presant ; but this for our confort, we cannot stay long out, tho I must confess we have had the finnest weathter I ever saw, but as the old saying is, 'Long fair, long foull,' I dread our winter. As yet is, we do not know where we are to winter. Some say here, (which if we do, God send us meat and drink as he did the Jews, for at presant we have but a melancholy prospect). Others say we go donn to Flanders. A few days will determine all. I expect every day my Commission to be sign'd as Captain Lieutenant to our regiment, and very soon after a Company ; for as Lord Cathcart is in our regiment a captain, the[y] told him not long ago, that wou'd give him a better thing ; so that I shall save my eight hundred ponnds incase a Captain would have s[old] out, as I'm pretty sure two will do how [soon] they get home to Ireland ; and if all be trew that we hear, we shall soon be in that part of the world. There are letters from London, which mentions that the Regency is against our going into Alsaice or Lorrain, for that is an oppen declaration of war with France. Our army is now getting the better of their fluxes and other distempers, which was very seveir amongst us. I'm just recovir'd of a fever but very weak. Lord Panmure has been actact'd by the same, but now is out of danger. I cannot let your Lordship know where to direct for me, but if you'll send it to Captain Wilson, our agent, at his house in Queen Street, Westminster, he know[s] where we march to. I shall conclud by beging a litle of your Lordships news, and to make my compliments to my sister and all friends with you. The nights turn very cold and our houses are very thine.— I am, my dear Lord, your Lordships most obedient and most oblidg'd humble servant,  
&c.,

WILL. LOCKHART.

Addressed—To the Right Honorable, the Earl of Wigtoune, at Comberanld,  
Falkirk, North Brittain. Par Londres.

III.—CORRESPONDENCE between ROBERT, LORD CECYLL AND EARL OF SALISBURY, Secretary of State for England, and JAMES ELPHINSTONE, LORD BALMERINO, Secretary of State for Scotland. 1603—1608.

83. ROBERT, LORD CECYLL, Secretary of State for England, [to JAMES ELPHINSTONE, LORD BALMERINO, Secretary of State for Scotland]—Arrival and plans of the Spanish ambassador. 2nd September 1603.

SIR,—Although I thought to forbear your trouble, tyll I might heare of your arryvall, for the better knowledg whether to addresse my lettres ; yet least my silence might make you doubtfull of the constancy of our Souueraynes health, and the quiete of his estate, I am willing to take hold of small occasion, onely to accompany the report thereof, which I know you cannot heare toe often. You shall therefore vnderstand that his Maiesty, being willing to take his sport while the season lasteth, hath leaft her Maiesty at Basing with her company, and passeth his owne tyme at my Lord of Pembrokes at Wilton, further westward ; from whence he comes to Woodstock, within seaven myles of Oxford, where her Maiesty will meet him and there receaue the Spanish Ambassadour, who cometh with a very great trayne, and carryeth himself in all things *conformé a la gravedad Española*. He is very inquisitiue after the manner of Rosnys entertainment, least he should digest any vsage inferiour to his, in which respect wee haue ben curious to obserue such ceremonies, in as great equality as can be, for as much as is past : for as the Lord Sydney was sent to Canturbury, so was now the Lord Davers ; and as the Erle of Southampton was appointed to bring Rosny to the Court, so is the Erle of Deuonshire to Taxis. What his negotiation wilbe more then congratulatory is yet vnknown ; but I perceaue he will proceed as Arembergh dyd at first, who pretended no necessity of Treaty, where there hath ben no breach of amity ; for els he would thinke it were a diminution of his masters greatnes to be the first sender, where there were no frendship. But now to leaue these formalities (which I am faine to borrow for lack of other matter). In the mayne point, (to you that know our masters disposition) I neede not tell you which way thinges are lyke to goe, but rather to wish all other Princes of his minde, and then should he and wee be happy. The King hath sent to the Low Contreis to know their minde, whether they will ioine with him in treaty, or no, to the intent they may perceaue that his treaty (apart from them) groweth not from change of affection but alteration of causes, leaving them notwithstanding to their owne election, to take such way as they think most agreeable to the constitution of their owne estate : of which his Maiesty hath not stuck to send the Archduke word, never meaning to disclaime from their

amity, though he draw not vpon him a warr, onely for their quarrels. To this they haue made in a manner an answer of direct protestation to be ruyned by any treaty, yet taking very thankfully his Maiestys respect towards them, but concluding that they forsee no other effect possible to follow of their acknowledging souuerainty to the Archduke, but an imminent perill to religion and to the repose of christendome, the one being exposed to the malice of the Pope, the other layed open to the ambition of Spaine; who haueing a commanding power ouer the Archduke (yf once he come to be acknowledged) would quickly haue those Low Contreis in his absolute possession. In this answer they desired to haue further liberty to propound it to the Generall States. Of which dilatory answer of theirs you can easily make iugement, for there is small distinction betweeu such a delay and a refusall. Concerning our conspiracies,—since your departure the Priest Clerk hath ben taken, and diuers others, though of no great quality, whome he confesseth to haue promised to haue brought their swords to further their entreprise. The infection is so great and so vniversall, as wee can not yet tell where to assigne any place for their tryall, which is lyke to be an occasion to deferr their arraignment for two or three moneths. In the meane tyme there is appointed an assembly of all the judges at Maydenhead, against Tuesday next, where the manner of their process shalbe considered of. The States are now before Bolduc with a great army not without hope to carry the towne, which yf they doe, it wilbe a great reptation to their cause, especially at this tyme. Thus, Sir, haue you such occurrences as can from hence be advertised; in which kind, although I know you shalbe oftener visited by such as haue better leasure, yet I know you will no lesse beleene them (what euer they are) nor yet accept them better then these, seeing they proceede from the well meaning of him, that is your very loving and assured frend,

Ro. CECYLL.

For our Parliament, I can not yet send you word, because it is yet doubtfull by reason of this infection, where or when to keepe our terme.

From Basing, the 2 of September 1603.

Indorsed—My Lord Cecylle, 18 September 1603.

84. THE SAME TO THE SAME—Proposals of the Spanish Ambassador.  
16th October 1603.

SIR, being troubled at this tyme with some indisposition of a rheume in myne eyes, I am dryven to vse an other mans hande, rather then by silence to leaue you in doubtfulness of my good will; whereof your owne professions haue made you a sure (though an vnvaluable) purchase: In this lettre I will, therefore, acquaint you princi-

pally with that which every other man cannot so well relate, which is, in what termes his Maiestys treaty standeth with Spayne, and the Archdukes ; leaving the particulars of the Kings passing his tyme, and other Court occurrences, to those from whome you may better hane it. The Spanish Ambassador, since his arryvall, hath had two sundry audiences of the King ; the first in publicq (onely consisting of complements and congratulations), the seconde in private, before his Maiesty and some of his connsell onely. In this second audience many speeches passed by way of discour, to intimate the king of Spaines syncerity, in embracing of his Maiestys frendship, whereof the ambassador seemed so confident as he stooke not, not onely to assure himself of the lyke good correspondency at our Kings hands, but also that he hoped to haue the King our masters assistance in reducing of the rebells in the Low Contreis. He lykewise insisted very much to diuerte his Maiesty from suffering the leavy in Scotland to goe forwards, which the Lord of Bucklugh vndertakes for the States service : But his Maiesty very princely and wisely answered him, that for the point of frendship he would not omitt to doe anything that could be justly exspected at his hands ; but that there were many reasons betwixt him and the Low Contreis which deserved further consideration ; that besydes all former respects, with his coming to this crown, he found the States in a strickt league and confederacy with his realme of England ; that there were great interests of debts and many other matters betwixt them, which in honor and proffytt he could not abandon ; that he would endevoir to persuade the States, yf he could, vpon assurance of reasonable conditions, to acknowledg their obedience to the Archdukes ; but yf they refused to condescend to his persuasions (vpon pretence of diffidence of safety), it was not for him to vrge them any further, bnt to leane them to their owne wayes : Besydes, that neither the present condition of his Maiestys estate, nor the inclination of his owne minde, dyd permitt him, that for the frendship of one he would enter into a warr with an other ; but that alwaies he was resolued to carry an euen hand betwixt them both. For the other point, of the leavy in Scotland, seeing the Lord of Bucklugh had no commission at all from his Maiesty, but whatsoeuer he dyd was meerely at the States cost and hazard, his Maiesty saw no reason to deny the States so small a cnrtisye, being in confederacy with them ; it being no more then heretofore he hath done without offence to the Archdukes frendship ; and being willing lykewise to permitt the same liberty to the Archdukes, yf they will make tryall to take vp some men there for their service.

Two or three dayes after, the Spanish Ambassador desired a conference with some of his Maiestys Counsell ; wherevpon his Maiesty commanded some of vs, to goe from Winchestre to Southampton, vnto him. In this conference wee found the Ambassador willing to descend into many particulars for a treaty ; but having perceaued before that he had no particuler commission for it, wee shewed vnto him the inequality

of termes betwixt him and vs ; that whatsoever wee should say might in a manner bind his Maiesty who had purposely sent vs ; and whatsoever he should say, having no authority, might be afterwards either avowed or disavowed by his Master ; and therefore tyll sufficient authority came out of Spaine, wee held it not fytt to proceede any further ; wherevnto the Ambassador condescended and promised to hasten the coming of it. Yesterday the Count of Arenberg tooke his leaue of his Maiesty, being desirous to withdraw himself for a tyme to his Princes, tyll sufficient power, which must geue the beginning to a treaty, should come out of Spaine. His Maiesty hath afforded him shipping for his transportation. For the matter of arraignment, this is all I can now say, that, about the 9th of November, those persons shall come to their tryall at Wiuchestre, the Lord Cobham, Lord Grey, Mr. George Brooke, Sir Walter Raleigh, Sir Griphyn Marekham, Watsou and Clerck the priests, with some others. Lastly, this I say to the particuler escheate of which you lately made mention, that there hath not ben so few as a dosen suters for it, whereof some haue their hopes and some their feares ; but, in short, the wyf of Sir Walter Raleigh hath made such meanes, by some of good rekonig about the King, as she hath hope to obtaine a gift of all his goods ; besydes, that all his chattels will hardly pay the debts he oweth, bona fide, to diuers creditors, who all know the way by one meanes or other to compass a greater matter then that for which they haue so fair pretext. Seeing therefore, Sir, this is so farr already foyled, and that for any thing belonging to me of these men, I am the least proper to be a sutor, who (excepting their faultes) can not but euen in humanity shew to be rather compassionate to theirs then otherwise, I hope you will not ill interpretate my denyall to deale in it my sealf. And so with my best wishes I ende—Your very loving frende,

RO. CECYLL.

Though others can send it you, yet such is my comfort to be able to advertise you that his Maiesty and all his are well, as I think it very worthy of my postscript.

From Winchestre, this 16 of October 1603.

Indorsed : My Lord Cecylle, 25 October 1603.

85. THE SAME to THE SAME—The trial of Lord Cobham, Sir Walter Raleigh, and others for treason. 12th December 1603.

SIR,—Although you may thinke it longe to haue heard noe more from me since the proceedings with the conspirators, yet my desyre beinge rather to advertise you of the end then of the middle, I deferred this lettre vntill I might write you some certayutye of the last act of this tragedye. You shall therefore kuow that the 15th of November Mr. George Brooke, Sir Griffyn Marekham, Sir Edward Parham, Bartholomew

Brokesby, and Anthony Copley, Esquires, William Watson and William Clarke, preists, weare arraigned at the Castle of Wynchester of high treason, for havinge practised to surprise his Majesty's person, with the Court, and as many noble men and counsellors as they could fynde about them, besyds, to haue taken the Tower of London, and to haue conveyed the Kinge thether, vnder pretence of safetie, and then to haue perswaded him to assent to theise three poynets : First, to a generall pardon to all those that weare interested in this surprise : Secondly, to graunt a tolleration of Popish religion throughout his Majesty's dominions ; and thirdly, to alter divers principall officers of estate. Beinge arraigned of theise poynets, most of them in substance weare ether confessed, or by wittnesses prooued. For Brooke and Marekham confessed that they ment to haue surprised the Kinge, and to haue remooued counsellors and noble men, to haue carryed the Kinge to the Tower, bnt rather for safetie till the realme weare setteled then otherwise. Nether did they deny they had talked amonge them of some preferments. For Watson, the preist, would haue been Lord Chancellor, Mr. George Brooke confessed he would be Lord Threasurer, Sir Griffyn Marekham, principall Secretary, the Lord Gray, Erle Marshall of England and Maister of the Horse. They likewise intended, after the Kinge should haue been brought to the Tower, to haue sent for the Lord Maior and Aldermen of London, and to haue imprisoned them, in case they should haue shewed the least disgust of theise proceedings. This was the generall proiect agreed vppon amongest themselves in the executinge whereof it was founde there weare great varietyes of opinions amonge them ; some imagininge 300 men to suffise for such a desseigne, some more, some less ; and it was confessed by some that Watson fedd the rest with an assurance, if any resistance should be made agaynst this proiect, that he was able to bringe vpp great numbers amonge the preists, his freindis and acquayntance. Amonge all theise there was allmost noe denyalls, only protestinge they would not haue hurt the Kinges person ; but all ioyninge in exclamation vppon the preists, and especially vppon Watson, as the first contriver and motor of it. Wherein how perverslye he hath carryed himselfe, you may easily indge by the sequell. After that, by meanes of Mr. Brooke and Marekham, the Lord Gray was drawne into this plott, beeinge of a contrary religion to the preists, they made cunningly this vse of that poore nobleman, and gaue it out to draw the greater number of Papists vnto them, that the Lord Gray, with the Puritanes, havinge a purpose to surprise the Kinge, it was now tyme for the Catholickes to stand with the Kinge, and to rescue him, if any such attempt should be offered ; not doubtinge but by this their good meritt towardis the Kinge to obtayne a tolleration of their religion, and to this purpose they exhorted them to be in redynes and to draw vp towardis the Court, exactinge an oath from them to be secrett. Vnder this pretence the preists had drawne su[n]drye gentlemen on their parts, and noe doubt had pntt the

state to great hazard, if their praetises had not been in tyme discovered. Of all the gentlemen only Sir Edward Parham beeing arraigned was quitted by the jury, because the evidences brought in agaynst him seemed not soe stronge as agaynst the rest, that had been the first plotters and misleaders of others. Vppon Thursday after, Sir Walter Raleigh was arraigned in the same place, whoe havinge been accused by my Lord Cobham in the beginninge to haue been privy to his purpose of goinge into Sp[ayne], h[is] indictment containd an accusation of all those thinges in effect which ether the Lord Cobham had confessed of himselfe, or was accused of by Mr. George Brooke, such beeing the forme in theise processes, because there is noe accessarye in treason. The substance was, that he had conspired with my Lord Cobham to procure money from the Kinge of Spayne by the meanes of the Count Aremerbege, which should haue been distributed vppon such persons as weare discontented and were likely to be drawne to adhere to a forrayne invasion. Whereof the proiect was to sett vpp the Lady Arbella Stuart, whereby inclusive both the Kinge and his royall issue must haue perished. That this was intended by the Lord Cobham, George Brooke had accused him, and soe by consequence the same was objected to Sir Walter Raleigh, in respect of the Lord Cobhams first confession, whoe (as I sayd before) did then affirme, that what he had done Sir Walter Raleigh was privy to. To all which he pleaded not guyltye at the barr, insistinge vppon this grounde, that the Lord Cobham had falsely accused him. And for prooffe of that shewed a lettre vnder the Lord Cobhams hand, wherein he recanted his former accusation of him. But herein now, I must deliver you sondrye circumstaunces or els you wilbe a little distracted in the iudgment of this proceedinge. After the Lord Cobham was committed to the Tower, Sir Walter Raleigh (both in Sir Jhon Paytons tyme, and after in the tyme of Sir George Harvyne now Lieutenaunt) founde meanes to haue the Lord Cobham perswaded to cleare him of that which he had formerly reported, with theise reasons, which to his weake iudgment seemed probable. That he had done himselfe a great wronge in this accusation of Sir W. R., because his owne first voluntary confession to the lords, of an imagination only of such a treason, as never proceeded to ouert act, could not haue been improoued to a treason in law, vnles he had thus confessed himselfe also to haue dealt with him in it. So as Sir Walter Raleigh did not only now protest, by meanes vnto him, that he should saue an inoeent man, by retractinge his accusation of him, but even free himselfe from perill of death, though not from offence, by this course. Wherevppon he obtayned that lettre abouesayd from him, vnder his owne hand, wherein he asked Sir Walter Raleigh forgiuenes, and sayd he had done him wronge. To the trust of which lettre, as Sir Walter Raleigh determynd to putt himselfe (reservinge it as his last defence to be shewed the jurye, when they should goe together), soe I assure you that incertaynty (together with his owne discreet earriage at the barr) would haue gone neere to haue

staggered them, if by great chance (the very day before his arraignment) this discovery had not been made, which followes. My Lord Cobham, fyndinge himselfe desperate of all hope, beeinge brought (as he knew) to that place from London to be executed, desyred to speake with some of my lords, vppon Wednesday at two aelocke ; to whom he imparted all that he had done, with the motives that brought him therevnto ; and there professed that although the purpose to goe into Spayne was extinguished before he was apprehended, it is most trew that the Lord Cobham never opened his purpose of getting money from the Court to be for other cawse then to purchase peace, yet in his owne hart he ment it worss. So as the Cownt Arenburgh in trewth is most innocent, thogh what he wold haue don if the Lord Cobham had not ben aprehended so soon, God knowes. In soe much as he dealt not with Aremberge, when he came to him about it, but only moved him for some somme of money, (to woorke the peace), yet sayeth he, I must still mayntayne that Sir Walter Raleigh moved me to deale with him, for he was earnest with me to procure him a pention, for which he sayd he would vndertake (if the peace should not be made) to give the Kinge of Spayne such certayne notyee of all the Kinges hostile actions (ether in Spayne, the Indias, or the Low Countreyes) as he should be able to prevent them. The Lord Cobham further added, that when Sir Walter Raleigh came hoame one day, from the Court at Greenwich, much discontented, he wished him (the next tyme he saw the Count Aremberge) to advise him to perswade the Kinge of Spayne to send some forces to Mylford Hauen, where an army might well land, and then should he be more likely to haue a party in England, then by any other woorkinge before hand, for sayeth he, men that would enter into action would be loathe to talke and babble ; it beeinge an ould sayinge, that more haue been hanged for words then for deeds. And for the manner of Sir Walter Raleighes gettinge the lettre, the Lord Cobham desyred for the better credit of his speaches, that the Lieutenants soonn (younge Harvy) might be examyned, whoe was only vsed between them for procuringe this recantation. All this beeinge now knowne and the Lord Cobham havinge thus opened the secreeye of his owne great inconstancye everye way, the learned counsell weare made acquaynted with it, and commanded to reserue it till they should see what vse Sir Walter would make of the Lord Cobham's lettre : and soe at the day of tryall, when Sir Walter shewed that for a last cast, then the learned counsell did retort this discovery vppon him ; euen when, (to tell you trew) the whoale Hall weare almost woonn to an opinion that he was hardly condemned. For though it be trew that my Lord Cobhams first accusation was vrged to be a double testimony, because he accused himselfe when he accused Sir Walter Raleigh ; and although Sir Walter Raleighes offeringe to kill himselfe in the Tower, and a lettre which Sir Walter Raleigh wroate (vppon his first apprehension) to the Lord Cobham, assuringe him that he had cleered

him when in truth he was never asked question of him, weare vehement circumstances of his guiltines, and the rather because in that lettre, written before the Lord Cobham was [app]reh[ended], he gaue him counsell, to deny all thinges vppon any examination, sayinge that one wittnes could not condemne him, yet the lettre, which he had now gott, would doubtles haue weakned the evidence, if the misterye of it had not been so seasonably knowne, as the learned counsell weare able in the instant to sett that straight agayne, which this recantation had toured. Besyds, this one thinge is remarquable, that when Sir Walter Raleigh saw that new surcharge vppon him, and saw that his devise to procure the lettre was apparent, he souke straight at barr, and sayd now I am cast away, yet this is false to, for where he sayes, I mooued him for a pension, it was he that mooued me. And soe much for Sir Walter Raleigh, whom a iurye of knightes and substanciall freeholders found guyltye of high treason. On Fryday sennight after the Lord Cobham was arraigned before the Lord Chancellor (whoe was constituted Lord High Steward of England for that day), he had 31 Peeres for his tryars, Erles and Barons, whoe all condemned him of highe treason. But for the speach, which his brother had fathered vppon him, concerninge that odious resemblancce of the Kinge and his issue to the fox and cubbs, as he at the barr perpetually cryed it out to be most falsly obiected. Soe when the Peeres weare altogether conuened, they all resolued that they saw noe prooffe to convince him of that perticular. The next day, followed the Lord Gray, whoe with a great deale of witt (though savoringe somewhat of selfe opinion) defended himselfe longe, not soe much for the weight of any thinge he could say, as in respect of the great libertye he had given him to vtter whatsoever he conceaued. Wherein he alledged many arguments to prooue his actions noe treasons, by exposition of statutes wherewith he had furnished himselfe (though little to his advantage) when the iudges weare required by the Peeres to deliver their opinions; soe as in effect many of his speeches did him rather harme then good; because he bewrayed a little popularitie in his carriage, as well in coniuring his peeres as in speakinge to the people, how dangerous it was to live vnder the lawes of England, whereby the lifes of subiects weare soe farr within power of the monarch, as theirs should be, if this fault should be iudged treason. Where, in truth, his purpose to haue attempted the surprise of the Kinges person and court was made more notorious, not only by his owne confession, that he was perticularly acquaynted with it, and never revealed it; but by the dyrect confession of Mr. George Brooke and Sir Griffyn Marcham, wherewith all his peeres weare soe intyrelly satisfyed as they likewise founde him guyltye of high treason, noe one dissentinge. Thus haue you now the substance of all the proceedings concerninge the Kinges iustice, which as it was cleere, equall and royall in all his circumstances, soe when I shall come to speake of his Maiestys mercye, I shall then tell you that which all the world must

admyre, both in it selfe, and in the excellent distribution thereof; a matter whereof I cannot speake to much to you, to whom noe relation of our deare Souveraynes excellent vertues can seeme tedious. You shall therefore vnderstand, that when the whoale counsell retourned from these tryalls, the Kinge conuened them all, and commanded them cleerely to deliver the narrative of every mans carriage; and of the circumstances of every evidence, to the intent, that he might not only know their condemnation, but all the formes thereof; professinge, that though he weare as counsellable as any Prince in Europe, yet he knew whatt only belonged to himself as a Kinge; and therefore admonished vs all not to presume to mediate for any; for whatsoever he did, should solye and absolutely proceede from himselfe; vowing, that if any freind would presume to mediate for another, it should be the woorse for him. In this forme a day or two passed, many wishinge as they weare affected, but all attendinge his owne resolutione. Therevppon his Maiesty began in this order. First, he dyrected that the preists should be executed, whoe both dyed on Tuesday, the 29 of November. On the Monday after he dyrected Mr. George Brooke to be executed, whoe before his death recanted only his accusation of his brother this farr, that for the woords of the fox and the cubbs, he would not take it vppon his death that he spake them. All other thinges ether agaynst his brother or the Lord Gray, he sealed with his blood. Now, Sir, this beeing done, his Maiesty on Tuesday, the 6 of December, syned warrants for the execution of the Lord Cobham, Lord Gray and Sir Griffyn Markham, which he dyrected to be performed the Fryday after in the Castle of Wynchestre, pretendinge to forbear Sir Walter Raleigh, till he might see whether the Lord Cobham would confyrme his accusation at his death. Now, Sir, if you will aske me whether all to dy seemed not seveere vnto many, I must be bould to tell you that it did, and yet I must as freely tell you that noe livinge creature durst speake to stay it. Soe as in the presence of God (for my part) I held them all as deade men, till the Fryday morninge, when sodaynly about nyne a clocke, the Kinge called me in, with other of my Lords of the Counsell, and then solemnly tould vs, that accordinge as he had spoken in the beginninge, soe he had kept his resolution firme, protestinge that vntill Wedensday night he was in dispute with himselfe what to doe, not but that he knew there could be noe errour in iusticinge them all, but that in shewinge mercye (which he meant to mixe with iustice) he studyed to escue the least note or imputation of parciall judgment or personall affection. In which consideration I haue sett downe, vnder my owne hand, the trew motives of my proceedinge towards those at Wynchester, whoe now, sayeth he, (as . . . them to be to death at this tyme) I am able prophetically to tell you, that they are all gladd men by this tyme. For yesterday I sent Jhon Gibb (one of the groomes of my bedchamber) with a warrant to countermand the execution,

but not before they had all fynished their devotion, and offered their heads to the blocke. Which forme was very discretely obserued in the manner, as is here sett downe, as appeareth by the inclosed, written by one that was vppon the place. Which warrant, when you shall reade, you will note soe great a wisdome, and soe excellent cautions, as it must needs add comfort to vs all, that serue him, though it cannot increase loue or dutye, booth which are due to him, or never to any Kinge on earth. The order, which now is taken, is to remove all the condemned persons to the Tower; and there are they confyned, as persons condemned, savinge Marckham, Copley, and Brookesbye, whom the Kinge bannisheth the kingdome.

Thus haue I troubled you with a longe and tedious lettre, whereof I could haue easily delivered the substance in feawer words, but that I conceaued you would be gladd to vnderstand the perticuler circumstances, which in theise thinges give noe lesse contentment then the effects themselves. It remayneth now only for me to advertise you, that in this matter nether the Kinge of Spayne nor the Count Aremberge are any way to be blamed; for as for Spayne, it never came soe farr, and to the Count of Aremberge, it is euident that nothinge was opened vnto him by my Lord Cobham, but only a motion for money to further the peace: soe as if you heare the contrarye, you may affirme this which I say confidently. Concerninge the treatye, all thinges are at a stay, vntill commission come out of Spayne, with which the Conestable of Castile (as is written) shall come furnished, whoe is expected at Brussells before Christmas. In the meane tyme (God be prayسد) the Kinges Maiesty and the Queen are very well in health and all their royall issue. And soe for this tyme I committ you to Gods proteq[t]ion.

From the Court at Wilton, this 12 of December 1603.—Your assured lovinge friend,

Ro. CECYLL.

You shall receaue herewith a cotype of a lettre, written by a kinsman of the Sheriffe of Hampshyre to his freind, wherein he setteth downe at longe the manner of the Kinges proceedinge after their condemnation and withall the . . . cop[ye] of his Maiestys warrant.

Indorsed: From my Lord Cecille, the xxvj of December, 1603. Anent the arraynement, convictioun and conservation of Cobham, Gray, Sir Walter Rawleighe, etc.

86. JAMES, LORD BALMERINO, Secretary of State for Scotland, to ROBERT, LORD CECYLL, Secretary of State for England—The clemency of the King. 22nd December 1603.

MY LORD,—Sence my laste of the 26 of October I have absteynit to importune yow, knowing the greit burdingis, als weill of forrayne as cuntrey affaires, quhairwith ye

war overcharged, besyid the trubill of the arraynement and convictioun of the conspiratouris war in the Tour. But nevir haiffing hard fra yow sen the 16 of October, I haiff layd modestie asyid, feiring lest my silence suld minister advantage till any wald seik to preiudice me at your handis, as thocht I neglected my professit deuty. I haue hard, but nocht of sa assured part as I wald, his Maiesteis gracious favour vnderdeservellie extendit towardis the greitest nombre of these miserable conspiratour[is]. His princelie wisdom, quhilk hes bein ever temperit with grace in all offencis attempted aganes him self, albeit commounlie rare, yit very famillier to his Maiestie hes alwayis bein accompanied with ane greit blissing. For as by the divine clemence his Maiestie hes bein preserved in many desperat dangeris, to the hie honour quhairin he is: so that part of the deitie in ane prince to be rather *optimus* nor *maximus*, nevir sa weill manifestis the self, as quhen the humain passiou, having iuste power to irrogat the dew paine is overruled by the sacred sparkles of mercy, quhilk is so mekill the mair memorable in this actioun, that as I haiff resaiffed it, no man hes any part in it but his Maiestes self. These heir quho knawis nocht the particuler circumstances and censures this incertane report, out of thair bounden affectioun to his Maiestie, parrellis the discontentement of the pepill, frustrat of the expiatioun thai looked for of bygane iniureis by sum punishment: the emboldening of otheris vpon hoop of the lyik impunitie till attempt: that the bodie being preservit, and nocht so muche as the brenchis corrected, preposterous pitie may bring furth sum new mater of wntymous repentance: but for my self I acquiesce in his Maiesteis royalle iugement, quhilk I haue evir sein in greittest difficulteis have the best successe. And that your lordship and otheris, vpon quhom the greitest burding of his Maiesteis affairs is thocht to repos, will cairfullie prevent any evill that the gracious resolutioun of sa magnanime a prince may breid heireftir.

Ye will tak this my presumptioun in good part, foundit vpon evill warrandit coniectures, and incertane report, only to beg at your handis, at your best oportunitie, particuler assurance of all that is past in this mater; and that ye will continew to esteme me as I salbe alwayis, your loving frend to serve yow.

Halyrudhous, the xxij of December.

Indorsed: For my Lord Cecille, of the xxij of December 1603.

87. ROBERT, LORD CECYLL, Secretary of State, to the same—The Question of the Union in the House of Commons. 3rd May 1604.

SIR, Because yowr mind and mine, which haue one obiect, may receaue æqwall information of those things wheruppon the point we ayme at dependeth, I think it my

part to advertise yow as spedily as I can, of our progress, concerning the vnion since my last lettres. The lower howse (hauing first had a proiect dictated by the King to Sir Francis Bacon to be imparted to the Lower Howse, withowt mistaking) grew into many debats concerning the name, as being the maine point, consydering the consequence therof; and so to be short, directly argued against it with crauing his Maiestis humble pardon.

After that, his Maiesty explaned him self by another wryting, wherein he professed to haue had no particuler end in the name or any thing in the first proiect, but their good, with swch other clawses as are therein contained, as may appeare by the same, inclosed. Herevppon they came to confarence with the lords, and now are resoluod of a Comission, of the place to be London, the tyme October, the number not yet definitely expressed; but thus farr handled, as it is agreed that the number must be competent, of which you shall heare by the next, for nou we are consydering with what words in our Act to cary and express these powers, abowt which I do expect, some few daies will be expended; the prevention wherof by perswasion (either faire or sharp) wold but exasperate them, for multitudes are neuer pleased to be tied to any other tymes or orders then those wherof they are the awthors. Thus haue yow, Sir, the substance of our passages abowt this vnion proposed, whereof as I may not hyde from you, that a great alarum is taken by many, so let me intreate you in no sort to suffer any bruiets vnanswered so to posses the myndes of that parliament there (which may be collected owt of some particuler idle speaches comon in multitudes) with any swch apprehensions as may make them apt to be froward or retrograde, becawse these haue ben so here, for as you may see, that all the stryfe passeth in the ayre, (when conferences are severed from preiudice or passion) so (even *in futurum*), his Maiestis prudence, power and carefull labours, will ouercome all swch further humours as may proceed out of levity or pertinac[it]y, wherein his Maiesty hath many humble and honest servants, that will labour to their best, especially when they shall haue the help and industry of swch commissioners as your self, who know that (in these changes) tyme must be one of the best vehicula of all perswasions, which can be infused into the minds of swch as are alwaies dowbtfull of suddain propositions. To conclude, therefore, let me intreate you, if any folish comparative speaches made here with yowr contry come abroad to make it to be so well distinguished, what particulers will do, and what the *melior pars* intendeth (which in these things, I thank God, is not only the better but the greater) as no pickant humors there breed ill disposition in your parliaments, when they are to handle that which is and must be mutually resoluod, or els that happy conclusion will be prevented, which wold anchor these two kyngdomes in perpetu[a]ll peace and safety. By these 3 papers, all absolutly his owne words, may you see the degrees of his Maiestis proceeding, wherof the last was yesterday, when the King dowbted the consent to a comission, which, dowbtles, drew it on sooner, but wold not haue ben

of necessity: for if his Maiesty had staid but a day longer, they were in a manner absolutly determined for that point, thogh I think his Maiesty had some privat dowbtfulness vppon some privat mens discourses, after our confernee before they satt next morning. Alwaies, sir, now it is past the revoking, and yet will leaue vs (after 4 or 5 daies) a months woork before other necessary bills can be dygested. Of these things, if you see the Duke and my Lord of Marr, I pray you advertise them; for at this time my hast to ouerrunn malicious rumours forceth me to impose that office vppon you, which shalbe requited by your lordships louing frend,

Ro : CECYLL.

For your motion of the Fee Farme, believe me, Sir, the name of the place (more then the matter) wold now serve for evry idle man to carp at; and, therefore, we that love you and knou the comou places they vse of all yowr contrymens swtes and pateuts at this time, shold be very cold freends to publish it at this time, seing it is sure inogh.

From Court, this 3 of May 1604.

88. JAMES, LORD BALMERINO, Secretary of State for Scotland, to ROBERT, LORD CECYLL, Secretary of State for England—The question of the Union. 14th May 1604. [Copy.]

MY LORD,—This is but only in haist, by occasioun of the berar, ane very affectionat servand to his Maieste, and quho during our last Assemlie hes done very good offices, being endewed by his Maieste with the Archbishoprik of Glaseo, ane glorious *nomen sine re*, is to shaw yow that your last of the 3 of Maii came saif in my handis the 8 thair of: and according to your directioun, I nocht only acq[ui]red the Duc and Erle of Mar thairwith, but sindry of the best affected in his Maiesteis Service and of the best sort. I doutted nevir but his Maieste[s] most rare and Royalle wisdome, tempered with so greit humanitie, wald in end overcome all these tempestes of the Lower House, assisted by your ministrie. I think no man of iugement will think that the present alteratioun of the name, althocht it had caryed na thing with it, but the distempering of the spiritts of the multitude, quhose iugement is seldome the best, and hes bred als many perturbationes in that state, as in any monarchie, was worth so long and so dangerous a dispute: Nather dout I but the commissioners advysedlie selec[t]ed will remove all scrupules that of that or any of the lyk nature may arise. As to the dispositioun of the people heir, albeit many evill reports have been caryed fra thence, and of thair naturell thay be inclyned rather to continew in thair wounted estate, nor to matche with so vuequall a partie, strenthened by the continuall presens of thair pruce: Yit sik is his Maiesteis soverae commandement over thame, and the good opinioun the best sort hes that England wer a wyis state, wilbe content to

suffer thame to leiff wnwanged, that I put no dout of the Vnioun, if it be craved to be made, *æquis conditionibus*. I have done and sall evir do my best, baythe for his Maiesteis contentement and the quietnes of both realmes, to impede all cours of contrair opinioun; and the rather that I have evir found your self, quhose iugement I reverence, willing to be ane fellow labourer thairin. Thus ending with my most harty thankis and continuall wishes for good succes in all your proceedingis, I still continew Your lordshipis loving frend to serve yow.

14 Maii 1604.

Indorsed: Copie of my ansuer to my lord Cecills lettre of th 3 of Maii, delyvrit the 8 thairof.

89. ROBERT, EARL OF SALISBURY, Secretary of State for England, to JAMES, LORD BALMERINO, Secretary of State for Scotland—Mines in Scotland; Roper's revision. 19th July 1605.

MY LORD,—Although there be occasion for me to excuse myselfe, because I ought to haue answered your letter ere this tyme, yet by that tyme yow shall perceiue by this what hath beene the interruption, I doubt not but it will give yow satisfaction. Wherein I will vse no other circumstance theu the plaine truth, which is this. Vpon the receipt of your letter of the 9 of June, I directed an auswere to yow, especially coucerning the particular of the supposed myne in Scotland, returning to yow his Maiestis pleasure, who being acquainted with your opinion of persisting in the prosecution of some one woorek, rather then in the change, before the bottome be searched, doth well approve the same: And so for Bulmers motion to accept Mr. Bowes his woorekis, seeing those gave apparence of better contentment. That pacquett of myne (as it seemes) being desirous to passe the sea, rather then to go over the Twede, went over by a mistaken superscription to the Secretarie of Ireland, from whom, now that I receyve it, it troubles me something to thinke what opinion yow haue dwelt in all this while. I do therefore, sir, at this instant, think good to send yow a letter for Mr. Bowes, to give no impediment to Mr. Bulmers tryalls in any of his woorekis, and pray yow to acquaint Bulmer with the same. Next, yow shall vnderstand that Mr. Grice, a Groome of his Maiestis privy chamber, hath beene a marvelous earnest suitour for a reversion of Mr. Ropers office, to beginue after your graunt, wherein he hath vsed no small freindis. His Maiesty being willing to pleasure him rather this way then to his owne preiudice, the matter hath had some disputation; insomuch as the King wrote to my Lord Cheife Justice for it, with verie great earnestues, who hath seemed vuwilling to it in regard of himself. But yet it was couceyved, seing one reversion is out aheadie, that with tyme he mought be wonne vuto another, which yf his Maiesty

should vnderstand, yow can easilie guesse, that a new importunitie would easilie earrie the matter, when there should be no such mediate encounter. Wherevpon I was bold first to obiect the common preiudice in suffering private men to become reversioners after counsellours. But to that was obiected, that these rules served for places meete for counsellours and not for those thingis which they held not in regard of any such qualitie. But when I resorted to this other reason, that this new reversion vpon yours would so entangle your graunt, as when it should come in possession, yow should be vnable to sell it to any but this new reversioner; and so what was intended to your profit by the King should this way be defrauded. His Maiesty verie graciously said he would heereafter resist any motion in that behalf, vttering of yow many other gracious speaches. Now that your Lordshipp hath vnderstood thus much, I thinke it were not amisse the rather to prevent any future forgetfulnes, that yow did write half a dozen lines to the King, taking notice to his Maiesty that yow heare Mr. Grice is a suitour for a reversion of that place, whereof there would growe to yow some discreditt as well as disprofit. Which once done, yow may then remayne secure (such is the constancie of his Maiestis favour when his faithfull servantis give him any tast of any preiudice like to befall them). For all other thingis which eoncerne this estate, I will referre yow to my letters to my Lord of Dunbarre, who I am assured will impart them vnto yow, such as they are. And so I committ your Lordshipp to Godis protection.

From Whitehall, this 19 of Julii 1605.—Your lordships assured loving freind,  
SALISBURY.

We are sorry to heare that your Generall Assemblies are not yet buried. I see things may be pressed, but not overpressed.

Lord Secretary of Scotland.

Indorsed: Salisbury, 24 Julii 1605—Mynes and Roparis reversion.

90. ROBERT, EARL OF SALISBURY, Secretary of State for England, to JAMES, LORD BALMERINO, Secretary of State for Scotland—Negotiations between Spain and the United Provinces. 2nd August 1607.

MY LORD,—Although I could haue aduertised your lordship many dayes since vpon the order taken in that particular which concerns the office of Roper, that the same was dispatched by his Maiestie and not neglected by me, according to that poore furtherance which I could geue it: Yett I thought fitt to stey my pen thus long, that I might as well send you something of the generall estate of our affaires, as of your owne particular. Next to the happie estate and health of their Maiesties and theirs, which was neuer better (thanked be God), one of the greatest matters which can

concerne this Crowne is this negociation betweene Spaine and the Vnited Prouinces : Wherein the proceeding hetherto hath ben so quick and so reserued as both the Princes of Britany and France hane had cause to shew themselves sensible of their proceedings. First, because they haue allwayes protested against Treatie, vpon what condicion soeuer. Secondly, they are bound by contract with this Crowne to doe nothing without consent first had : All which notwithstanding, they proceeded (as you haue heard) to harken to an ouerture of peace, vppon a condicion to be created withall as a free state. To which as soone as the Archdukes had bound themselves and promised a ratification from Spaine, they assented to a cessation, and in expectation of that from Spaine did lately send ouer hether certaine deputies to the King, my master, for two purposes : The one, to excuse their speedy conclusion, which they affirmed to haue proceeded ont of that necessitie they weare in, and the difference betweene their State and a Monarchie, where oportunitie and occasion can not be deferred without preiudice, considering the inconstancie and distraction of their counseils. Secondly (as an argument of their sinceritie, and dependency vpon his Maiesty), they had now sent their commissioners, not onely to acquaint the King how farr they had gone, but to entreate him to send ouer his commissioners thether, to ioyn with the French King (whoe hath also his Commissioners there) in the consideracion and resolution of that course which shalbe held fittest for them to take for the common good. To which they doe not onely protest an absolute couformitie in the conclusioun, but haue likewise made it appeare that they are no further gone on as yet (though the aggreation should come) then to abstayne from hostilitie (as now they hane done) and reserue themselves till the first of Septembre, not whether they will make a peace or a truce, but whether they will treat or no.

These are the termes wherein things stand, and vpon these propositions this hath ben his Maiestis answer. That neyther he in the course of his fauour towards them, nor her Maiesty of famous memorie before him, haue had any prinate ends of greatnes and ambition, in all the support which they haue giuen them : that the retourue, which he doth now desire, of all his carefull endeauours, and of the blond of his subiects spent in the defenes of their cause, is onely such an establishment of their estate, as he may thereby the more perfectly enioy the fruits of their amitie : that religion may be mainteyned amongst them, and the public good aduanced in all parts which may claime interest in their cause. Whether the meanes shalbe peace, or warr, it appertayneth most properly to them selfs to aduise : they best knowe the strenght of their owne power, and best knowe their owne inclinations and affections. To aduise them to a warr cannot now be his course, both because it is repugnant to his owne amitie, and because he neyther knoweth their meaues nor their end. On the other side, for him to perswade them to a peace (the noyse whereof hath hetherto ben so odious to their eares, and euill distasted by a part of their owne bodie) weare a sodain conncell in him

to geue (howsoever it might peradventure agree with his owne Christian end ; whoe allwayes accounteth the warr vniust that hath not peace in contemplation) before he heard of the opinion of the French King, and had discerned how they weare vnited in their owne bodie, knew what would be the further condicion, and sawe an assurance of securitie for that which should be concluded. In all which considerations his Maiesty hath resolved to forbear any further to open himself at this time, then onely to assure them in the generall of his correspondency and care for them, vntil there be a meeting on the other side betweene his Commissioners, the French King, and theirs. With which answer they are departed with very good satisfaction, and his Maiestis Commissioners likewise ready to followe within 8 dayes. Since which time there hath ben sent into Holland one called Vereychen, an audiencier or secretary at Brussels, who hath brought to the States a Ratification (according to the forme inclosed). Wherevnto the States haue hetherto taken this exception, that it is too short in the point of renunciation : to that the audiencier hath answered, that it doth *verbis tacitis* confirme the same, which in truth it doth not, being rightly examined. So as the States haue sufficient coulour to suspend the acceptacion, which they haue done, and remaine yet vpon these onely termes, neyther to treat, nor to yeild to a cessation by sea, till it be amended. For which, though Vereychen pretendeth a post should be sent into Spaine, assuring it shalbe returned with amendment within one moneth : yet the States haue shewed them selfs resolute to proceed no further till it come ; and therefore haue commanded Vereychen somewhat in a rude fashion to depart within 6 dayes out of their prouinces. Hereof diuers in that state, according to the diuersitie of their humors, discourse diuersly. Those that wish the warr vrge this as a scorne : others holde it rather an omission : for mine owne part, I think it neyther ; but rather in respect of the blowe which the fleet of the Lowe Countries gaue to Spaine since the cessation by land : and that it is the manner of Spaine to spend long time in disputation, when they are resolved to proceed in all things by degrees (taking that to be greatnes), I doe perswade myself that the Archduc hath engaged him self to far to be made a state, and that there is already a better forme of ratification come out of Spaine, though pretended to be otherwise, least it should euer be sayd that Spaine did anything without a superfluitie of formality and delay. Of which humor to raigne in them, it seemes the Italian was well perswaded, whoe being called in question, cryed out, "*Venga mi morte di Spagna,*" thinking it lesse perill to be censured to dye (so the resolution thereof weare to come from thence) then to receaue a small punishment in an other place, where things were quickly resolved.

To conclude, sir, now that I haue truly told you what is hetherto done in this great affaire, I hope you will not conceaue I deale reseruedly with you, because I doe not also tell you what his Maiesty resolue to doe in the mayne, seing his Maiesty

hath held it fittest for him in such a matter as this (which is like to change the frame of all the affaires in these hether parts), to expect and attend what shall be disconered by his Commissioners at the Assembly with the rest; and thereupon to resolne according to time and occasion. Besides that, I am not so simple to affect so vaine a secrecy as may easily discouer itself to be follie, being vsed towards those whoe may (when they list) as well in regard of his Maiestis trust, as their owne merit and their place, fetch as cleare water from the fountaine (where I doe dayly drink) as myself or any other. I will, therefore, make an end for this time, beseeching your lordship to lett this lettre serue (for as much as concernes the public) to informe my noble frend the Lord Chancellor, to whome I haue onely written these few lines for answer to his last lettre; betweene whome and you I knowe all public cares and counseils are common. And so I take my leaue. From Whithall, this 2 of August 1607.—Your lordships assured frend to command,

SALISBURY.

Lord of Balmerinogh.

Address: For my Lord of Ballmerinogh.

Indorsed: My Lord of Salisbury, 2 Augusti 1607.

91. JAMES, LORD BALMERINO, to ROBERT, EARL OF SALISBURY, Secretary of State for England, asking for his intercession with the King. 19th November 1608.

MY VERY HONORABILL LORD,—When I resolved to cum to a trew and cleir confessioun of my most haynous offence, committed aganes my most gracious Soverayne, I made chois of your lordship as my most honorable approved frend, and my very honorabill lordis, my Lord Privie Seale, my Lord Chamerlane, and the Erl of Dumbar; having in all yonr lordshipis, out of many past experiences, a most confident trust of your love and compassioun of my fall, that without offence of his Maiesty, whose hononr I know to be moir tendir to yow nor your lyves; the sam being satisfied, according as I haif taken the cours jnstly and cleirly to do, your lordshipis wald be a meanis to preserve my lyif and poor inheritance, purchased in his Maiestis service. Thairfoir, being now to retorne in Scotland, I ame bold to request yonr lordship to impart the renewing of my most humble sute to my lordis, that your lordship concurring may move his gracious Maiesty in my favour, whose mercy, as it is above all his other most rare and most princely blissingis, so I hope by your honorabill intercessions salbe so favorably extendit to me, as I may spend the rest of my ill dayis in praying for his sacred Maiestis happines; and most infinitely bound to continew to all your lordshipis.—Your lordshipis loving frend most bound to serve yow.

Indorsed: Copie of my lettre to my Lord Salisberry, 19 Novembris 1608.

# CHARTERS

OF AND RELATING TO THE

## FAMILY OF ELPHINSTONE OF ELPHINSTONE, LORDS ELPHINSTONE.

A.D. 1190—1508.

1. CHARTER by PETER OF GRAME to the HOUSE OF SOLTRE of three bovates of land in Elwynystoun. *Circa* 1190-1238.

VNIUERSIS sancte matris ecclesie filiis has literas visuris vel audituris, Petrus de Grame, salutem in Domino. Nouerit vniuersitas vestra me, diuine pietatis intuitu, dedisse et concessisse et hac carta preseuti coufirmasse Deo et Beate Marie et domui Sancte Trinitatis de Soltre, et fratribus ibidem [Deo] seruientibus et imperpetuum seruituris, tres bouatas terre arabilis in territorio de Elwynystoun, scilicet, toftum et croftum que fuerunt Michaelis, et toftum et croftum que fuerunt Walteri Seui, et toftum et croftum que fuerunt Essok vidue, et totam terram in Stanilandis, et totam terram in Buttes, et totam terram Wethlaudis, et totam terram in orientali parte de Weteslade, sicut queque bouata terre diuiditur per suas rectas diuisas : Tenendas et habendas predictis fratribus de Soltre et successoribus suis, de me et heredibus meis, in puram et perpetuam elimosinam, adeo libere et quiete, plenarie et honorifice, sicut aliqua domus religiosa in regno Scocie aliquam elimosinam liberior et quocius tenet et possidet, cum communi pastura et omnibus aliis aysiamendis ad villam de Elwynystoun spectantibus : Ego autem et heredes mei totam predictam terram predictis fratribus de Soltre et successoribus suis contra omnes homines et feminas imperpetuum warantizabimus. Et vt hec donacio mea imperpetuum rata permaneat, presens scriptum sigilli mei appositione roborau ; hiis testibus, domino Alano de Wyntoun, domino Miloue Cornet, domino Alexandro de Setoun, domino Roberto de Sancto Claro, Alano de Fausyde, Willelmo de Trauernent, Thoma filio Willelmi, Stephano capellano, qui hoc scriptum composuit et multis aliis.<sup>1</sup>

<sup>1</sup> Charters, etc., Collegiate Churches of Midlothian—Soltre, pp. 10, 11.

2. CHARTER by JAMES, LORD OF DOUGLAS, to ROGER OF MORAY, of his lands of Fala, to which John of Elfinestoun is a witness. 1st September 1321.<sup>1</sup>

OMNIBUS hanc cartam visuris vel audituris, Jacobus, dominus de Douglas, salutem in Domino. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse Rogero de Moravia, filio quondam Archebaldi de Moravia, pro seruicio suo nobis inpenso, totam terram nostram et tenementum nostrum de Faulau, in baronia nostra de Heriath, infra istas diuisas ;—incipientes ad le Blacsikis, descendendo in aqua de Galv, et sic per aquam de Galu vsque in le Redestane uersus occidentem, et sic de le Redestane vsque le Stancarne, et sic usque le Whitstrothirheuid uersus occidentem, et sic deinde usque le Redestane ex parte australi de Foulewodheuid, per medium le Strothir marchiantis ad le Foulewodheuid uersus occidentem, et sic ad le Balliley usque le Huntlau, et sic del Huntlau ad altam viam tendentem uersus Hadyngtoun uersus boream, et sic per altam viam vsque le Smalchoucheuid, et de le Smalchoucheuid vsque peruenerit ad le Blacsikis : Tenendam et habendam dicto Rogero et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, in pratis et pasturis, viis et semitis, moris et marisiis, stagnis, aquis, moleudinis, turbariis, petariis et lapidicinis, in omnibus et per omnia, et cum omnibus pertinenciis, libertatibus, comoditatibus et aysiamentis, tam non uominatis quam nominatis, ad dictam terram et tenementum de Faulau pertinentibus, uel aliquo iure pertinere ualentibus : Reddendo inde annuatim ipse Rogerus et heredes sui nobis et heredibus nostris duos solidos vsualis monete nomine albe firme tantum, ad duos anni terminos, uidelicet, medietatem ad Pentecosten et aliam medietatem ad festum beati Martini in hyeme, pro omnibus et singulis terrenis seruiciis et demandis, que de dicta terra cum pertinenciis exigi poterunt aut demandari in perpetuum a quocunque : Nos vero Jacobus et heredes nostri totam predictam terram et tenementum de Faulau cum pertineuciis suis, in omibus et per omnia, ut predictum est, dicto Rogero, et heredibus suis, contra omnes homines et feminas warantzabimus, acquietabimus et in perpetuum defendemus. In cuius rei testimonium presenti carte sigillum nostrum fecimus apponi : Testibus, domino Waltero, seneschallo Scocie, domino Henrico de Sancto Claro, domino Roberto de Keth, domino Alexandro de Setoun, domino Roberto de Lauwedre, Johanue de Elfinestoun, Egidio de Hormestoun et aliis.

Scriptum apud Neubotle, die Beati Egidii Abbatis, anno Domini m<sup>o</sup>ccc<sup>mo</sup>xx<sup>mo</sup> primo, anno vero Regis Roberti xvj<sup>mo</sup>.

<sup>1</sup> Original writ in Douglas Charter-chest.

3. CONFIRMATION, dated 31st March 1328, by WILLIAM OF LEWYNGSTOUN, knight, lord of Gorgie, of Charter by SIR FERGUS CUMYNE, lord of Gorgie, to the HOUSE OF HOLY ROOD, of a mill dam for their Mill of Saughton, to which Mr. John Elfyngstoun is a wituess. *Circa* 1260.

OMNIBUS hoc scriptum visuris vel audituris, Willelmus de Lewyngstoun, miles, dominus de Gorgyne, salutem in Domino sempiternam. Vestra nouerit vniuersitas me inspexisse et diligenter examiuasse cartam religiosorum virorum, abbatis et conuentus mouasterii Sancte Crucis de Edinburg, non abolitam, non rasam, non cancellatam, nec in aliqua sui parte viciatam. Quamquidem cartam dictis religiosis dedit et concessit dominus Fergusus Cumyne, miles, quondam dominus de Gorgyne, predecessor meus, in hec verba :—OMNIBUS hoc scriptum visuris vel audituris, Fergus Cumyne, miles, dominus de Gorgyne, salutem eternam in Domino. Nouerit vniuersitas vestra me diuine pietatis intuitu, pro me et heredibus meis et successoribus, in perpetuum concessisse et quietum clamasse Deo et domui Saucte Crucis de Edinburg, et canonicis ibidem Deo seruientibus, et in perpetuum seruituris, quod possint libere, quiete, pacifice, solute, et absque omni perturbacione mei, vel heredum meorum vel successorum firmare stagnum molendini sui de Salchtoun, per transuersum Aque de Lyeth, super terram meam de Gorgyn, cum omni iure quod habui, vel habere potui in eodem, absque aliquo retenimento : Quare volo et concedo quod dicti canonici dictum stagnum habeant, teneant, et in pace possideant, et commodum suum in perpetuum faciant : In cuius rei testimonium presenti scripto sigillum meum apposui ; hiis testibus, domino Willelmo de Lysuris, tunc constabulario Castri Puellarum, Serlone de Setona, et Alexandro filio suo, Magistro Johanne de Elfyngstoun, Hugone de Dudyngstoun, Thoma de Bennachetyne, tunc senescallo Abbatis de Sancta Cruce, Patricio filio Symonis, Ricardo de Striuelyn, Willelmo filio Willelmi filii Barth[olomei], burgensibus de Edinburg et multis aliis. Ego vero dictus Willelmus de Lewynstoun, dominus de Gorgyne, cartam predecessoris mei domini Fergusii de Cumyne, quondam domini de Gorgyne, dictis religiosis datam et concessam, super dicto stagno, ratifico in omnibus eius punctis, et in singulis eius articulis, hac mea presenti carta, hanc eisdem pro me et heredibus meis, assignatis et successoribus in perpetuum confirmo. Concedo insuper dictis religiosis, pro me et heredibus meis, assignatis et successoribus, in perpetuum, vt si contingat stagnum eorum antedictum, per transcursum vel erupcionem Aque de Lyeth aliquo tempore in futurum disrumpi seu impediri, vel aliquoliter peiorari, quominus dictum molendinum molere possit ad eorum commodum vel voluntatem, ut liceat tunc dictis religiosis dictum stagnum per transuersum Aque de Lyeth super terram meam de Gorgyn firmare vbicunque, quocienscunque et qualitercunque sibi magis uiderint expedire. In cuius rei testimonium sigillum meum presentibus apposui. Datum apud Edinburg, die Jouis proxima post

festum Annuacionis Dominice, anno Domini millesimo tricentesimo vicesimo octauo ; hiis testibus, dominis Alexandro de Setoun, patre, et Willelmo de Rambishay, militibus, Johanne Wigmer et Willelmo de Fayrly, burgensibus de Edinburg, et multis aliis.<sup>1</sup>

4. CHARTER by SIR WILLIAM OF LEUYNGSTON, knight, lord of Drumry, to the MONKS OF NEUBOTLE, of freedom of his Mill of Gorgyne, to which John of Elfynston is a witness. 3rd March 1338-9.

OMNIBUS hanc cartam visuris vel audituris, Willelmus de Leuyngston, miles, dominus de Drumry, eternam in Domino salutem. Noueritis me, pro salute anime mee, et Margarete sponse mee, et liberorum nostrorum, et pro animabus patris mei Andree et matris mee Elene et omnium antecessorum et successorum meorum, dare, concedere et hac presenti carta mea confirmare Deo et beate Marie de Neubotle, et monachis ibidem Deo seruientibus et in perpetuum seruituris, ac hominibus suis, qui pro tempore fuerint terre sue del Estyrkragh de Gorgyne habitatores, libertatem molendi quecunque blada sua de cultura dicte terre del Estyrkragh, perueniencia ad molendinum meum de Gorgyne, immediate post bladum meum dominicum absque multure prestacione : Soluendo moleninario vnam ferlotam de celdra tantum pro omnimoda exigencia : Hanc vero libertatem dictis monachis et hominibus suis del Estyrkragh, vt premittitur, concessam, ego Willelmus de Leuyngstona predictus, et heredes mei et assignati, warantizabimus, acquietabimus et contra omnes homines et feminas in perpetuum defendemus. In huius rei testimonium presenti carte sigillum meum est appositum ; testibus, domino Johanne Dei gracia Abbate Sancte Crucis de Edenburg, dominis Alexandro de Seton, Daud del Wemys, Willelmo de Abernythy, militibus, Johanne de Elfynston, Roberto de Fausyd, Radulpho de Craneston ; apud Neubotle, iiii die Marci, anno Domini m<sup>o</sup>ccc<sup>mo</sup> tricesimo octauo.<sup>2</sup>

Charter by Christiana Byseth, lady of Clerkyuton, near Kerintoun in Lothian, for the soul of Sir John Byseth, her late husband, to St. Mary's of Neubotle and the monks there, of the right of patronage of her church of Clerkyutone. The names of the witnesses in this charter are as follows :—Sirs William and Laurence of Abyrnethy, William of Leuyngistoun, Alexander of Setoun, knights ; Johu of Elphingistoun, Robert of Fawusid, Radulph of Crauistoun, Henry of Edmoudistoun. Another charter by the same granter also gives the same patronage to the monks of Neubotle. The second charter names the same witnesses as in the first charter above, including John of Elfynston, and is dated at Neubotle, 4th June 1338. It is also certified and authenticated with the seal of John, abbot of the Holy Rood of Edeneburgh.<sup>3</sup>

<sup>1</sup> Charters of Holyrood, pp. 75-77.

<sup>2</sup> Cartulary of Neubotle, pp. 34, 35.

<sup>3</sup> *Ibid.* pp. 292-294.

5. CHARTER by THOMAS OF ERTH, knight, lord of Walughtoun, to ALEXANDER OF ELFINGESTOUN, son of the late Johu of Elfingestoun, of the lands in the tenement of Erthbeg which formerly belonged to his mother Marjory. *Circa 1340.*

OMNIBUS hanc cartam visuris vel audituris, Thomas de Erth, miles, dominus de Walughtou, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse Alexandro de Elfingestoun, filio quondam Johannis de Elfingestoun, totam illam terram cum pertinenciis, que fuit quondam Mariorie, matris sue, in tenemento de Erthbeg, sine aliquo retenemento : Quamquidem terram dicta Marioria predicto domino Thome domino suo in plena curia sua apud Erth tenta, in sua libera viduitate, spontanea voluntate et non coacta, cum fusto et baculo sursum reddidit : Teuendam et habendam predicto Alexandro et heredibus suis de corpore suo legitime procreatis, de me et heredibus meis in perpetuum, in feodo et hereditate, cum piscaria de Qwikslyk, et cum pastura sex equorum in Insula de Erth, et cum communi pastura et libero introitu et exitu et omnibus aliis pertinenciis, in moris, maresiis, staguis, aquis, molendiuis, viis, semitis, petariis et turbariis, et cum omnibus commoditatibus et aysiamenis, tam non nominatis quam nominatis, tam sub terra quam supra terram, ad dictam terram pertineutibus seu aliquo iure pertinere valentibus, nullo aysiamento vel commoditate exceptis, libere et quiete, bene et in pace : Reddendo inde annuatim michi et heredibus meis vniam libram ciminý ad festum Sancti Ethoty tantum, apud Erth, pro wardis, releuiis, maritagiiis, scotis curie et omnibus aliis seruiciis, exactionibus et demandis, que de dicta terra exigi poterint aut requiri quoquomodo : Et ego Thomas et heredes mei totam predictam terram de Erthbeg cum pertinenciis predicto Alexandro et heredibus suis, adeo libere sicut predictum est, pro seruicio superius nominato, tantum, contra omnes homines et femiuas warantz[a]binus, acquietabimus et in perpetuum defendemus : In cuius rei testimonium presenti carte mee sigillum meum apposui ; testibus, domino Roberto de Lawedre, tunc iusticiario Laudonie, domino Malcolm Fleming, domino Waltero filio Gilberti, militibus, Reginaldo More tunc camerario Scochie, Johanne del Kalenter, Willelmo de Munghale, clerico, et multis aliis.

6. CONFIRMATION by KING DAVID THE SECOND of Charter by ALEXANDER OF ELFYNYSTOUN, lord of that ilk, to ALEXANDER MORE, son of the late Sir Adam More, knight, of lands of Kythumbre in exchange for a piece of land in Erthbeg. Confirmation dated 4th June [1363].

DAVID Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos inspexisse quaudam cartam, etc. OMNIBUS hoc

scriptum visuris vel audituris, Alexander de Elfynystona, dominus eiusdem, salutem in Domino. Noueritis me dedisse, concessisse et hoc presenti scripto meo confirmasse Alexandro More, filio quondam domiui Ade More, militis, in excambio pro quadam pecia terre in Erthbeg, quam quondam ibidem habui, et pro quadam summa pecunie michi plenarie pre manibus persoluta, totam terram meam de Kythumbre cum pertinenciis, infra baroniam de Stanhous : quam quidem terram cum pertinenciis dominus Godfridus de Roos, quondam dominus eiusdem, dedit in feodo et hereditate Alexandro de Elfynystona, quondam patri meo : Tenendam et habendam totam predictam terram de Kythumbre cum pertinenciis predicto Alexandro et heredibus suis et suis assignatis, de me et heredibus meis et meis assignatis, in feodo et hereditate, libere, quiete, pacifice et honorifice, tam liberius et quocius, sicut ego uel pater meus dictam terram cum pertinenciis aliquo modo tenuimus aut possedimus, cum omnibus libertatibus, commoditatibus, aysiametibus ad dictam terram spectantibus seu aliquo modo de iure spectare valeutibus in futurum, sine aliquo retinemento : Et si vero, quod absit, dicta terra de Kythumbre cum pertinenciis per viam iuris seu alicuius alterius processus recuperata fuerit, per quod dictus Alexander More, heredes sui et sui assignati, dicta terra de Kythumbre cum pertinenciis minus pacifice gaudere poterint, obligo me, heredes meos et assignatos, per omnia bona nostra, uobilia et iumobilia, et [ad] retradeudum dicto Alexandro More, heredibus suis et suis assignatis, totam terram meam de Erthbeg, quam in excambium habui pro predicta terra de Kythumbre, vel saltem ad faciendum sibi Alexandro More, heredibus suis et suis assignatis tantam terram in tenemento meo de Elfynystona quantam dicta terra de Kythumbre antiquitus valere consueuerat : Quamquidem terram cum pertineuciis ego predictus Alexander, heredes mei et mei assignati, predicto Alexandro More, heredibus suis et suis assignatis contra omnes homines et feminas warantizabimus, acquietabimus et inperpetuum defendemus. In cuius rei, etc. Quamquidem cartam, douacionem et concessiouem approbamus, etc. Apud Edyuburgh, quarto die Junii, anno regni nostri tricesimo tercio.<sup>1</sup>

7. CONTRACT for the MARRIAGE of HELISEUS OF KYNNYNMONTH, son and heir of the deceased Alexander of Kyunynmonth, lord of that ilk, and ELIZABETH OF ELPHESTOUN, niece of Sir George Leslie, lord of Rothies. 26th April 1392. [Old copy.]

AD PERPETUAM REI MEMORIAM. Præsens indentura testatur, quod apud Cuprum in Fyife, vigesimo sexto die mensis Aprilis, auuo Domini millesimo tricesimo nonagesimo secundo, inter nobiles viros, dominum Georgium de Leslie, militem, dominum de Rothas ex vna parte, et Heliseum de Kynnynmonth, filium et heredem quondam

<sup>1</sup> Register of Great Seal, vol. i. p. 27.

Alexandri de Kynnymonth, domini eiusdem, ex altera parte, sub modo quo sequitur extitit concordatum ; videlicet, quod dictus Hæliseus ducet in vxorem Elizabeth de Elphestoun, neptem predicti domini Georgii : Cuius ratione matrimonii predictus dominus Georgius obligat se et suos heredes ad exonerandum præfatum Heliseum, penes suum matrimonium domino regi debitum, seu cuicunque alteri cui interest vel interesse poterit infuturum ; ita quod dictus dominus Georgius et heredes sui subibunt omnia onera solutionis faciendæ ratione matrimonii supradicti prefato domino regi seu cuicunque alteri, vt prefertur debiti, vna cum omnibus aliis expensis inde subsequ[ut]is seu subsequendis : Et quod prefatus dominus Georgius dabit libere eidem Hæliseo totam illam conuentionem quam habet a Joanne Eviott de tercia parte de Craghall pro tali prætio, prout ipse habet ex conuentione facta cum eodem ; et quod fideliter faciet suam soli[cu]tudinem ad procurandum aliam terciam partem eiusdem terræ hereditarie Heliseo predicto, prout procurare vellet et posset sibi ipsi ; et quod dictus Heliseus faciet omnes sumptus et expensas circa eandem procuracionem faciendam. Concordatum est etiam quod prefatus dominus Georgius sustentabit, vel sustentare faciet Heliseum et suam vxorem sufficienter et honeste in omnibus sumptibus suis et expensis, quousque idem Heliscus recuperauerit statum hereditarium de suis terris et sasinam : Et postquam hereditarium statum terrarum suarum recuperauerit, præfatus dominus Georgius sustentabit vel sustentare faciet per vnum an[nu]um integrum sufficienter et honeste Elizabeth, vxorem prædictam, secundum modum predictum. Item concordatum est quod dictus dominus Georgius mantinebit, iuuabit, et defendet predictum Heliseum in omnibus suis iustis causis, sicut ipse vellet et posset seipsum in suis causis propriis ; et quod predictus Heliseus modo antedicto mantinebit, iuuabit et defendet prefatum dominum Georgium in omnibus iustis causis ad ipsum pertinentibus ; et quod in his quæ tanguunt hereditatem suam, ac etiam in aliis magnis et arduis nihil faciet sine consilio dicti domini Georgii ; et ad conventionem predictam fideliter sine dolo vel fraude inuolabiliter obseruandam, vtraque pars fidem dederunt ad invicem. In cuius rei testimonium prati [parti] huius indenturæ penes prædictum dominum Georgium remanenti, in defectum sigilli dicti Helisei, sigillum domini Joannis de Weims et domini Henrici de Kyndelouth, militum, procurata sunt ap[er]ensaque, anno, die et mense supradictis.

Hæc est vera copia principalis indenturæ.

I, DAVID KYNNYNMOUND of that ilke, hes subserwyit this indentur befor thir witnis, Willem Kynnymonth, my winilk [*sic* ? wnkil],  
Wllem Craw, my scerwitur, the xvj day Februar 1603.

Williā Craw, witnes to the L[aird]'s subscriptione.

William Kyn̄month, vitnes.

[This copy of the Indenture is certified as above by David Kynnymonth of that

ilk with his own hand in 1603. The certified writ bears the following indorsation :—  
“ Copie of ane indenture betwix George Leslie, knight, of Rothas, and Elieseus Kyninmoud, auent the marriage of Elizabeth Elphiustou, ueis to the said George. 26 April 1392.”]

## TRANSLATION.

FOR perpetual remembrance. The present indenture bears witness that at Cupar in Fyife, on the 26th day of the month of April, in the year of our Lord one thousand three hundred and ninety-two, it is agreed between noble men, Sir George of Leslie, knight, lord of Rothas, on the one part, and Heliseus of Kynnynmonth, son and heir of the late Alexander of Kynnynmonth, lord of that ilk, on the other part, in manuer as follows ; that is to say, that the said Heliseus shall take to wife Elizabeth of Elphestoun, niece of the foresaid Sir George : By reason of which marriage the foresaid Sir George binds himself and his heirs to free and discharge the foresaid Heliseus, anent his marriage, due to our lord the king, or to any other persou whomsoever, whom it coucerus or may coucern in time to come ; in such manner that the said Sir George and his heirs shall undertake all the burdens of payment making on account of the marriage above said, due, as aforesaid, to our said lord the king or to any other person whomsoever, together with all other expeuses that have followed or that shall follow thereupou : And that the foresaid Sir George shall give freely to the same Heliseus all that agreement which he has from John Eviott, of the third part of Craghall for such a price as he himself has from the agreement made with the same ; and that he shall faithfully endeavour to procure another third part of the same land in heritage to the aforesaid Heliseus, as he might wish and be able to procure it for himself ; and that the said Helisens shall pay all charges and expenses in respect of effectiug the same procuratiou. Moreover, it is accorded that the aforesaid Sir George shall sustain or cause to sustain Heliseus and his wife sufficiently and honourably in all their charges and expeuses, until the same Heliseus shall recover heritable state and sasine of his lands : And after he has recovered heritable state of his lands, the foresaid Sir George shall sustain or cause to sustain, sufficiently and honourably, Elizabeth, his wife aforesaid, for one whole year, according to the foresaid manner. Also it is agreed that the said Sir George shall maintain, assist, and defend the foresaid Helisens in all his just causes, likeas he would wish and could do for himself in his own proper causes ; and that the foresaid Heliseus, in manner beforesaid, shall maintain, assist and defend the foresaid Sir George in all righteous causes belonging to him ; and that in those things that concern his heritage, and eueu in other great and arduous undertakings, he shall do nothing without the advice of the said Sir George : And for faithfully observing of the foresaid

agreement, inviolably, without fraud or guile, either party has given faith to each other. In witness of which thing, to the part of this Indenture to remain with the foresaid Sir George, in default of the seal of the said Heliseus, the seal of Sir John of Weims and Sir Henry of Kyndelouth, knights, are procured and appended, year, day, and month abovesaid.

8. CHARTER by KING ROBERT THE THIRD to SIR WILLIAM OF LYNDESAY, knight,  
of the lands of Petyudreych. 29th June [1393].

ROBERTUS Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Willelmo de Lyndesay, militi, totas terras nostras de Petyndreych cum pertinenciis, iacentes infra vicecomitatum de Strielyne : Quasquidem terras cum pertinenciis Willelmus de Keth, miles, marescallus noster Scocie, et Margareta Fraser, sponsa sua, vnanimi consensu nobis per procuratores suos legitimam potestatem habentes, per fustum et baculum sursum reddiderunt, pureque et simpliciter resignauerunt ; ac totum ius et clameum, que in dictis terris cum pertinenciis habuerunt uel habere potuerunt, pro se et heredibus suis omnino quietum clamauerunt imperpetuum : Tenendas et habendas dictas terras cum pertineuciis dicto Willelmo de Lyndesay et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas et diuisas suas ; cum omnibus et singulis libertatibus, commoditatibus, aysiamendis et iustis pertinenciis quibuscumque, ad dictas terras spectantibus seu quoquo modo iuste spectare valentibus in futurum ; adeo libere et quiete, plenarie, integre et honorifice, beue et in pace, iu omnibus et per omnia, sicut dicti Willelmus et Margareta, spousa sua, seu aliquis predecessorum suorum dictas terras de Petindreich cum pertinenciis de nobis et predecessoribus nostris, ante dictam resignacionem suam nobis inde factam, tenuerunt seu possiderunt, tenuit seu possedit : Faciendo inde nobis et heredibus nostris dictus Willelmus de Lyndesay et heredes sui seruicium de dictis terris cum pertinenciis debitum et consuetum. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi ; testibus, venerabilibus iu Cristo patribus, Waltero et Matheo Sancti Andree et Glasguensis ecclesiarum episcopis, Roberto comite de Fyf et de Meneteth, fratre nostro carissimo, Archebaldo, comite de Douglas domino Galwidie, Jacobo de Douglas domino de Dalketh, Thoma de Erskine, consanguineis nostris dilectis, militibus ; et Alexandro de Cokburue de Langtounne, custode magui sigilli nostri ; apud Perth, penultimo die mensis Junii, anno regni nostri quarto.

9. PRECEPT by WILLIAM OF LYNDISSAY, lord of Byris, to infeft WILLIAM OF ELFYNSTOUN, lord of that ilk, in the lands of Petyndrech, in Stirlingshire. 6th September 1397.

WILLELMUS de Lyndissay, dominus de Byris, dilecto nostro Johanni filio Ade de Birkynschaw, balliuo nostro terrarum nostrarum de Petyndrech, iacentium infra vicecomitatum de Strevelyn, salutem. Sciatis quod concessimus carissimo consanguineo nostro, Willelmo de ElfyNSTOUN, domino eiusdem, totas terras nostras de Petyndrech, cum pertinentiis predictis, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Alexandro de Elphynstoun et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus, Normanno de ElfyNSTOUN et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Jacobo de ElfyNSTOUN, fratri suo, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus, heredibus legitimis dicti Willelmi quibuscunque : Vobis quocirca firmiter precipiendo mandamus, quatinus dicto Willelmo et heredibus suis masculis, vt predicatur, et predictis Alexandro, Normanno et Jacobo, et heredibus suis predictis, secundum naturam tallii, et eciam secundum formam carte nostre quam inde habuit, vel eorum actornatis, saysinam hereditariam dictarum terrarum cum pertinentiis, visis presentibus, donare curetis indilate, saluo iure cuiuslibet : In cuius rei testimonium sigillum meum presentibus est appensum ; apud le Quaralle, sexto die mensis Septembris, anno Domini millesimo ccc<sup>mo</sup> nonagesimo septimo.

10. CONFIRMATION, dated 4th March 1423-4, of Charter by SIR WILLIAM OF LYNDESAY, lord of Byris, to WILLIAM OF ELFINISTOUN, son and heir of the late Sir William of Elfinistoun, of the lands of Pettyndrech, in Stirlingshire. [No date, but probably 6th September 1397.]

MURDACUS Dux Albanie, comes de Fife et de Menteth, ac regni Scocie gubernator, omnibus probis hominibus tocius regni predicti, clericis et laicis, salutem. Sciatis nos quamdam cartam quondam Willelmi de Lyndesay de Byris, militis, factam et concessam consanguineo suo Willelmo de Elfinistoun, filio et heredi quondam Willelmi de Elfinistoun, militis, pro homagio et seruicio suo, ac retinencia sua speciali, predicto Willelmo de Lyndesay, militi, facta pro toto tempore vite sue, de omnibus et singulis terris suis de Pettyndrech cum pertinentiis, infra vicecomitatum de Striuelyne, de mandato nostro visam, lectam, inspectam et diligenter examinatam, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, sed omni prorsus vicio et suspicione carentem intellexisse plenius in hec verba : OMNIBUS hanc cartam visuris vel audituris, Willelmus

de Lyndesay, dominus de Byris, milcs, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Willelmo de Elfinistoun, filio et heredi quondam domini Willelmi de Elfinystoun, militis nostri, pro homagio et seruicio suo, necnon pro sua retinencia speciali nobiscum pro toto tempore vite sue facta, omnes terras nostras de Pettyndrech cum pertinenciis, iacentes infra vicecomitatum de Striuelyne : Tenendas et habendas omnes predictas terras predicto Willelmo, heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Alexandro de Elfinistoun, fratri dicti Willelmi et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Normanno de Elfynistoun, fratri dicti Willelmi et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Jacobo de Elfynistoun, fratri dicti Willelmi et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus heredibus dicti Willelmi legitimis quibuscunque, de nobis et heredibus nostris vel assignatis nostris, dominis terrarum nostrarum de Drem, in vicecomitatu de Edynburgh, infra constabulariam del Hadyngtoun iacentium, in feodo et hereditate imperpetuum, in boscis et planis, pratis, pascuis et pasturis, in moris, marresiis, viis, semitis, aquis et stagnis, venacionibus, aucupacionibus et piscacionibus, molendinis, multuris et eorum sequelis ; cum libero introitu et exitu ad comunem pasturam ; cum petariis, carbonariis, columbariis et turbariis ; cum lapide et calce, cum brasinis et fabrinis, cum curiis et placitis de wrang et vnawe et eorum eschaetis ; et cum omnibus aliis libertatibus, comoditatibus, aysiamenis et iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam prope quam procul, tam sub terra quam supra terram, ad dictas terras cum pertinenciis spectantibus seu iuste spectare valentibus in futurum, libere, quiete, bene et in pace, sine aliquo retinemento imperpetuum : Faciendo inde annuatim dictus Willelmus et heredes sui, tam de corpore suo quam talliati, vt supradictum est, nobis, heredibus vel assignatis nostris, dominis terrarum nostrarum de Drem, comunem sectam ad curias nostras apud Drem tenendas, cum wardis, releuiis et maritagiiis, cum contigerint, pro omni alio seruicio seculari, exactione, vel demanda, que per nos vel heredes aut assignatos nostros, dominos dictarum terrarum nostrarum de Drem, aliquialiter exigi poterunt vel requiri : Libero tenemento dictarum terrarum de Pettyndrech cum omnibus proficiis nobis pro toto tempore vite nostre reseruato : Et nos dictus Willelmus volumus et concedimus, promittimus et fideliter heredes nostros vel assignatos antedictos per presentes obligamus, quod predicti heredes nostri vel assignati, domini dictarum terrarum nostrarum de Drem, seruicia pro eisdem terris de Pettyndrech, domino nostro regi debita et consueta, cum contigerint, personaliter facient et implebunt ; et dictum Willelmum et heredes suos tam de corpore suo quam talliatis, vt premittitur, de eisdem seruiciis domino nostro regi debitis imperpetuum exoneramus, et exonerabimus per

presentes; et si contingat heredes nostros vel assignatos supradictos seruicia domino nostro regi de dictis terris de Pettyndrech debita et consueta pro predicto Willelmo, heredibus suis de corpore suo legitime procreatis seu procreandis et talliatis, vt pre-dicitur, facere recusare prout oporteat, liciat hac de causa extunc dicto Willelmo et heredibus suis, tam de corpore suo procreatis seu procreandis quam talliatis, vt pre-dicitur, ab heredibus nostris vel assignatis antedictis imperpetuum declinare, et dominum nostrum regem ad dominum suum superiorem aduocare, et easdem terras de eodem domino nostro rege in capite tenere, absque contradictione heredum vel assignatorum nostrorum imperpetuum: In cuius rei testimonium sigillum nostrum huic presenti carte nostre est appensum; hiis testibus, dominis venerabilibus in Christo patribus, Waltero et Dougallo ecclesiarum Sancti Andree et Dunblanensis episcopis, ac magnificis viris et potentibus dominis, Roberto duce Albanie, comite de Fife et de Menteth, Archebaldo de Douglas, domino Galwidie, Daud de Lyndesay de Craufurde, comitibus; Thoma de Erskene, domino eiusdem, Georgio de Lesly, domino de Rothies, militibus; Andrea de Lyndesay et Waltero de Bykyrtoune, cum multis aliis. QUAMQUIDEM cartam, donacionem, concessiouem in eadem contentas, in omuibz punctis suis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectum, in omnibus et per omnia approbamus, ratificamus, et auctoritate officii uostri gubernacionis regni predicti imperpetuum confirmamus; saluo domino nostro regi et heredibus suis seruicio debito et consueto, de dictis terris cum pertiueniis vniuersis: In cuius rei testimonium preuenti carte nostre confirmacionis magnum sigillum officii nostri apponi precepimus: Testibus, Alexandro Stewart de Kynceleviu, filio nostro dilecto, Jacobo de Douglas de Baluany, fratre nostro, Roberto de Conynghame de Kylmauris, Archebaldo Stewart, Johanne de Lummysdene, vicecomite de Fife, cousanguineis nostris dilectis, et Alano de Ottyrburne, secretario nostro, apud Edynburgh, quarto die mensis Marci, anno Domini millesimo quadringentesimo vicesimo tercio, et nostre gubernacionis anno quarto.

[Fragment of seal remaining.]

11. CHARTER by ROBERT, DUKE OF ALBANY, Governor of Scotland, confirming a grant by ARCHIBALD, EARL OF DOUGLAS, lord of Galloway, to WILLIAM OF CRAUFURD of Ferme, knight, of the lands of Hallis of Erthe and Heetoun of Erthe, etc. 2nd August 1409.

ROBERTUS, Dux Albanie, comes de Fyf et de Mentethe, ac regni Scocie Gubernator, omnibus probis hominibus tocius regni predicti, clericis et laicis, salutem. Sciatis nos approbasse, ratificasse et auctoritate officii uostri gubernacionis regni predicti imperpetuum confirmasse donacionem et concessionem illas, quas carissimus cousanguineus noster, Archibaldus comes de Douglas, dominus Galwidie, hereditarie fecit et concessit dilecto

nostro Willelmo de Craufurd de le Ferme, militi, de omnibus et singulis terris suis de Hallis de Erthe et de Heetoun de Erthe, vna cum cotagiis, crois et piscinis dictarum terrarum, et cum batella communi portus de Erthe cum pertinenciis, infra vicecomitatum de Striueline : Tenendas et habendas omnes et singulas pre[nom]inatas terras cum pertinenciis antedictis predicto Willelmo de Craufurd, heredibus et assignatis suis, in feodo et hereditate imperpetuum, per [omnes] rectas metas suas antiquas et diuisas, cum omnibus et singulis libertatibus, commoditatibus, et aisiamentis ac iustis pertinenciis quib[us]cunque, ad predictas terras cum pertinenciis antedictis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre, et honorifice, bene et in pace, in omnibus et per omnia, sicut in carta dicti comitis consanguinei nostri predicto Willelmo de Craufurd inde confecta plenius continetur : Saluo quod predictus Willelmus de Craufurd, et heredes sui uel assignati faciant domino nostro regi et heredibus suis de predictis terris cum pertinenciis antedictis, annuatim, ad curias vicecomitis de Striueline, et ad curias iusticiarie ibidem tenendas sectas debitas et consuetas, vna cum omni alio seruitio debito et consueto : In cuius rei testimonium presenti carte confirmacionis nostre sigillum officii nostri gubernationis regni predicti apponi precepimus : Testibus, reuerendis in Christo patribus, dominis Henrico, Willelmo, Roberto et Waltero, ecclesiarum Sancti Andree, Glasguensis, Duukeldensis et Brechinensis episcopis ; carissimis nepote nostro Roberto Senescalli de Fyf, Johanne Senescalli domino de Buchane, filio nostro, Johanne Senescalli de Lorn, milite, consanguineo nostro, Alexandro de Carnis, preposito de Lincloudane, et Andrea de Hawik, rectore de Listoun, secretario nostro ; apud Innyrkethine, secundo die mensis Augusti, anno Domini millesimo quadringentesimo nono et gubernacionis nostre anno quarto.

[Fragment of seal attached.]

12. INSTRUMENT OF RESIGNATION by DAME AGNES OF ERTH, spouse of John of Leuyngstoun, lord of Manerstoun, of her lauds of Erthbeg, in the hands of Sir JOHN LINDISSAY, lord of the Barony of Erth, as superior. 15th February 1440-41.

IN DEI NOMINE, amen. Per hoc presens publicum instrumentum cuuctis pateat euidenter, quod anno ab incarnatione eiusdem millesimo cccc<sup>o</sup> quadagesimo, mensis vero Februarii die xv<sup>a</sup>, indictione quarta, pontificatus sauctissimi in Christo patris ac domini nostri, domini Eugenii diuina prouideucia pape quarti anno decimo ; in mei notarii publici et testium subscriptorum presencia, personaliter constituta uobilis domina, domina Agnes de Erth, sponsa Johannis de Leuyngstoun, domini de Manerstoun, cum consensu et assensu dicti sponsi sui, vtilitate sua vndique pensata, sursum reddidit, et per fustem et baculum pure et simpliciter resignauit in manus nobilis et potentis

domini, domini Johannis Lindissay, domini baronie de Erth, ac domini sui superioris in hac parte, omnes et singulas terras suas de Erthbeg cum pertinenciis, iacentes infra baroniam prenotatam : Quamquidem resignacionem dicta domina Agnes asseruit ex sua mera et spontanea voluntate fuisse factam ; et seipsam ad hoc nullatenus compulsam aut coactam, aut in quouis errore lapsam, sed tantummodo pro suo commodo et vtilitate preuisis et pensatis, habitoque exinde diligenti consilio et tractatu : Et tandem dicta domina Agneta, remota a presencia mariti sui, super solum terrarum de le Bynnis, et per me coram testibus infrascriptis interrogata, si dictam resignacionem cum sua mera et spontanea voluntate fecerat an no[n], vel si per dictum suum sponsum fuerat compulsata, respondit per suum corporale iuramentum super sacra Dei euangelia prestitum, quod dictam resignacionem propria voluntate fecerat, et quod ad hoc nullatenus fuerat compulsata ; adiciens vlterius quod nunquam dictam resignacionem reuocaret, sed pro se et suis ratam et firmam teneret temporibus profuturis. Super quarum quidem terrarum resignacione et iuramento exinde prestito dictus dominus Johannes Lindissay a me notario publico infrascripto sibi fieri peciit publicum instrumentum. Acta fuerunt hec super solum terrarum de Bynnis, iuxta castrum de Manerstoun, hora quasi nona ante meridiem, anno, die, meuse, indictione, et pontificatu, quibus supra ; presentibus, pro-nidis viris Waltero Martyn, Jacobo de Meldrum, filio et herede domini de Bynnis, Waltero de Murray, domino de Ogilface, Ricardo de Commiltoun, filio et herede domini eiusdem, Alexandro Tarbart de eodem, Malcomo de Bute, Willelmo Tarbart, Thoma de Grundystoun, Willelmo de Elestoun, Thoma Bullock et Roberto Bullo, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Jacobus de Foulis, clericus Sancti Andree diocesis, publicus auctoritate imperiali notarius [*etc.*].

13. CHARTER by JOHN, LORD LINDESAY OF BYRIS, to JOHN ELPHINSTOUNE son of James of Elphinstoune, son and apparent heir of Henry Elphinstoune of Pettindreich, of the lands of Pettindreich. 6th November 1477.

OMNIBUS hanc cartam visuris vel audituris, Johannes dominus Liudesay de Byris, ac baro baronie de Dreme, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea coufirmasse, necnon dare, concedere, et hac presenti carta mea confirmare dilecto consanguineo meo Johanni Elphinstoune, filio Jacobi de Elphinstoune, filii et apparentis heredis Henrici Elphinstoune de Pettindreich, pro suo seruicio michi impenso et impendendo, omnes et singulas terras meas de Pettyudreich cum pertineuciis, iacentes in baronia mea de Dreme, infra vicecomitatum de Striueling : Quequidem terre de Pettindreich cum pertineuciis prius fuerunt dicti Henrici hereditarie ; et quas idem Henricus non vi aut metu ductus nec errore

lapsus sed sua mera libera et spontanea voluntate per procuratorem suum ad hoc legitime constitutum, vt per literas procuratorias dicti Henrici sub suo sigillo sigillatas luculenter constabat, in manus meas apud Ediuburgh per fustim et baculum pure et simpliciter coram testibus subscriptis sursum reddidit, pure et simpliciter resignauit, ac totum ius et clameum, proprietatem et possessionem, que in dictis terris cum pertinenciis habuit, habet, seu quouismodo habere poterit, pro se et heredibus suis omnino quittum clamauit imperpetuum : Tenendas et habendas omnes et singulas prenominatas terras de Pettindreith cum pertinenciis prefato Johanni Elphinstoune et heredibus suis masculis de corpore suo legitime procreandis, quibus forte deficientibus veris legitimis heredibus masculis dicti Henrici quibuscunque, de me et heredibus meis, quibus deficientibus michi et heredibus meis plenarie reuerteudis, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, planis, pratis, pascuis et pasturis, in moris, merreciis, viis, semitis, aquis, stagnis, venacionibus, aucupacionibus, piscacionibus, molendinis, multuris et eorum sequelis, cum libero introitu et exitu ad communem pasturam, cum peterriis, carbonariis, columbariis, et turbariis, cum lapide et calce, cum brasinis et fabrinis, et cum omnibus aliis libertatibus, commoditatibus, asiamentis et iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam prope quam procul, tam sub terra quam supra terram, ad predictas terras cum pertinenciis spectantibus seu iuste spectare valentibus infuturum, libere, quiete bene et in pace, sine aliquo retinemento imperpetuum : Faciendo inde annuatim dictus Johannes, heredes sui tam de corpore suo tam talliati, vt supradictum est, michi et heredibus meis vel assignatis, dominis terrarum de Dreme, communem sectam ad curias meas apud Dreme tenendas, cum wardis, et releuiis, et maritagiis, cum contigerint, pro omni alio seruicio seculari, exactione, demanda, que per me vel heredes meos aut assignatos, dominos terrarum de Dreme, aliquo modo exigi poterunt vel requiri : Reseruato tamen warrancia dictarum terrarum de Pettindreith michi et heredibus meis pro septem terris husbandriis, iacentibus infra villam et territorium de Dreme per predictum Henricum prius mecum excambiatis : Et reseruato eciam libero tenemento dictarum terrarum de Pettindreith, cum omnibus proficuis suis predicto Henrico Elphinstoune pro toto tempore vite sue : In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Edinburgh, sexto die mensis Nouembris, anno Domini millesimo quadringentesimo septuagesimo septimo ; testibus, magistris Jacobo Lindesay, Archibaldo Lindesay, filiis meis, Johanne Dischintoune, filio et apparente herede Johannis Dischintoune de Ardros, Andrea Dischintoune, Alexandro Newtoun, Archibaldo Hepburne, armigeris ; dominis Johanne Lyell, Vthredo Hall, presbyteris, et domino Johanne Machan, notario publico, cum multis aliis : Saluo eciam tamen et reseruato michi et heredibus meis wardis et releuiis post decessum, cum contigerint, dicti Henrici, dicto Johanne non perueniente ad legitimam etatem.

14. CHARTER by JOHN LINDESAY of Biris to JOHN ELPHINSTOUNE, son of James Elphinstoune, eldest son of Henry Elphinstoune of Pettindreich, of the lands of Erthbeg. 6th November 1477.

OMNIBUS hanc cartam visuris vel audituris, Johannes dominus Lindesay de Biris, ac baro baronie de Erth, salutem in Domino sempiternam. Noueritis me dedisse, concessisse et hac presenti carta mea confirmasse, necnon dare, concedere et hac presenti carta mea confirmare dilecto consanguineo meo Johanni Elphinstoune, filio Jacobi Elphinstoune, filii primogeniti et apparentis heredis Henrici Elphinstoune de Pettindreith, pro suo seruicio michi impenso et impendendo, omnes et singulas terras meas de Erthbeg cum pertinenciis, iacentes in baronia mea de Erth, infra vicecomitatum de Striueling : Quequidem terre de Erthbeg cum pertinenciis prius fuerunt dicti Henrici Elphinstoune hereditarie ; et quas idem Henricus, non vi aut metu ductus, nec errore lapsus, sed sua mera libera et spontanea voluntate per procuratorem suum ad hoc legitime constitutum, vt per literas dicti Henrici sigillo suo sigillatas luculenter constabat, in manus meas coram testibus subscriptis, per fustem et baculum sursum reddidit, pureque simpliciter resignavit [*etc.*]. Tenendas et habendas omnes et singulas terras predictas de Erthbeg cum pertinenciis predicto Johanni et heredibus suis masculis de corpore suo legitime procreandis, quibus forte deficientibus veris et legitimis heredibus masculis dicti Henrici quibuscunque, de me et heredibus meis, in feodo et hereditate imperpetuum ; quibus vero deficientibus michi et heredibus meis plenarie reuertendo : per omnes rectas metas suas antiquas et diuisas [*etc.*]. Et adeo libere, quiete, plenarie, intigre, honorifice, bene et in pace, sicut dictus Henricus aut aliquis predecessorum suorum dictas terras de Erthbeg cum pertinenciis, ante resignationem huiusmodi factam liberius tenuit seu possedit, tenuerunt seu possederunt aliquo tempore retroacto : Faciendo inde annuatim dictus Johannes et heredes sui, tam de corpore suo quam talliati, vt supradictum est, michi et heredibus meis vel assignatis, communem sectam ad curias nostras tenendas apud baroniam de Erth, cum wardis, releuiis et maritagiiis, pro omni alio onere [*etc.*]. Saluo tamen et reseruato libero tenemento omnium et singularum terrarum predictarum de Erthbeg cum pertinenciis dicto Henrico pro toto tempore vite sue ; saluo eciam et reseruando michi et heredibus meis wardam et releuium predictarum terrarum de Erthbeg cum pertinenciis post decessum dicti Henrici, cum contigerit, dicto Johanne non perueniens ad etatem legitimam. In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Edinburgh, sexto die mensis Nouembris, anno Domini millesimo quadringentesimo septuagesimo septimo ; testibus, magistris Jacobo Lindesai, Archibaldo Lindesai, filiis meis ; Johanne Dischintoun, filio et apparenti herede Johannis Dischin-

toun de Ardros, Andrea Dischintoun, Alexandro Newtoun, Archibaldo Hepburn, armigeris, dominis Johanne Liell, Vthredo Hale, presbyteris, et domino Johanne Machane, notario publico, cum multis aliis, etc.

[Seal remaining.]

[On the same day, and at the same place, another charter was granted by John, Lord Lindesay of Biris, as baron of the barony of Chaumerlane Newtoun, to John Elphinstoun, described as in the two preceding charters, for his service done and to be done to the granter, and to Eufamia his spouse, and to the longer liver of them, and the heirs male to be lawfully procreated between them, of his lands of Strikschaw in the barony of Chaumerlane Newtoun, in the sheriffdom of Roxburgh; which lands belonged formerly to the said Henry heritably, and were resigned by him through his procurator, into the hands of the granter. Failing heirs male of the body of the said John Elphinstoun and Eufamia, the lands were to go to the lawful heirs male of the said Henry whomsoever, to be held of the granter and his heirs in fee and heritage for ever, and on failure of all, to revert to the granter and his heirs; for service of a common suit at the granter's courts of Chaumerlane Newtoun by reason of ward and relief. Edinburgh, 6th November 1477; witnessed as in the other two charters of same date.

Of this charter and the two preceding, No. 13 and No. 14, a transumpt was made at the instance of John, Lord Lindesay of Biris, in the chamber of his lodging in Edinburgh, at 11 A.M., 7th November 1477, in presence of Messrs. William Elphinstoun, canon of Glasgow, James Lindesay, Sirs John Liell, Uthred Hall, John Dischintoun, son and apparent heir of John Dischintoun of Ardros, Archibald Hepburn, Laurence Elphinstoun, and others; John Machane, presbyter of St. Andrews diocese, notary; and is attested by the seals of Archibald Hepburn and Laurence Elphinstoun, procured at Lord Lindsay's instance.]

15. LEGITIMATION by KING JAMES THE THIRD of WILLIAM ELPHINSTONE, rector of Kirkmichael, M.A. 25th June 1477.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quod concessimus, et tenore presencium pro nobis, heredibus et successoribus nostris, concedimus ex nostra gracia speciali dilecto clerico nostro, magistro Willelmo Elphinstoun, rectori de Kirkmichell, in artibus magistro, et in decretis licenciato, vt ipse libere disponere valeat ad sue libitum voluntatis, in toto tempore vite sue, siue fuerit eger, siue sanus, siue in tempore mortis sue, de omnibus

et singulis terris suis, tenementis et annuis redditibus, vbicunque infra regnum nostrum existentibus; ac de omnibus bonis suis, mobilibus et immobilibus, spiritualibus et temporalibus quibuscumque, quesitis seu querendis, cuicunque persone vel quibuscunque personis, prout sibi melius videbitur expediens, conueniens et oportunum; non obstante bastardia sua in qua genitus est: Ac eciam dictum magistrum Willelmum ad omnimodas acciones et libertates exereendum in iudicio et extra iudicium, dignitatibus, officiis, priuilegiis et honoribus gaudendum, in omnibus et per omnia, sicut de legitimo thoro esset procreatus legitimum fecimus, et de plenitudine nostre regie maiestatis legietimauimus, et tenore presencium legietimamus, sine quouis obstaculo, impedimento, clameo vel contradiccione, seu reuocamento per nos et heredes nostros seu successores quoscumque inde faciendo quouismodo in futurum: Districtius inihibendo ne quis cuiuscunque status, condicionis aut preeminencie, ecclesiastice vel temporalis existat, incontrarium dicte nostre concessionis et legietimacionis aliquid deuenire presumat, sub omni pena quam erga nostram regiam incurrere poterit maiestatem. Datum sub magno sigillo nostro apud Edinburgh, vicesimo quinto die mensis Junii, anno Domini millesimo quadringentesimo septuagesimo septimo, et regni nostri decimo primo.

TRANSLATION OF THE FOREGOING LEGITIMATION.

JAMES, by the grace of God, King of Scots, to all his good men, to whom the present letters shall come, greeting. Know ye that we have granted, and by the tenor of these presents, for us, our heirs and successors, grant, out of our special grace, to our well-beloved clerk, Master William Elphinstoune, rector of Kirkmichael, master in arts, and licenciante in decreets, that he may be able freely to dispone at the pleasure of his own will, the whole time of his life, whether he be sick or whole, or at the time of his death, of all and sundry, his lands, tenements and annual rents, wheresoever they exist within our kingdom; and of all his goods, movable and immovable, spiritual and temporal whatsoever, acquired or to be acquired, to any person or persons whomsoever, as shall seem to him most expedient, meet and fitting, notwithstanding his bastardy in which he was born; and likewise the said Master William, for the exercise of every kind of actions and freedoms in judgment and outwith judgment, for the enjoyment of dignities, offices, privileges and honours, in all and by all things, the same as if he had been procreated of lawful marriage, we have made legitimate, and out of the plenitude of our Royal Majesty have legitimated, and by the tenor of these presents legitimate, without any obstacle, impediment, claim or gainsaying, or revocation whatever, to be made thereupon by us and our heirs and successors whomsoever, in any manner of way in time to come: Strictly prohibiting any one, of whatever estate, condition or preeminence, ecclesiastical or temporal, he be, to presume in any way whatever to come

in the contrary of our said grant and legitimation, under all pain which could be incurred against our royal Majesty. Given under our great seal at Edinburgh, the 25th day of the month of June, the year of our Lord one thousand four hundred and seventy-seven, and of our reign the eleventh year.

16. CONFIRMATION, dated 1st February 1496-7, by KING JAMES THE FOURTH, of Charter by JOHN, LORD LYNDESAY of Byris, to JOHN ELPHINSTONE of Pettindreich, of the lands of Pettindreich, the fourth part of Erthbeg, etc., 21st December 1496.

JACOBUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos quamdam cartam tallie, factam per dilectum consanguinenum nostrum, Johannem Dominum Lyudesay de Byris, dilecto nostro Johauni Elphinstoun de Pettindreith, de terris de Pettindreith, quarta parte terrarum de Erthbeg, cum septima parte alterius quarte partis earundem terrarum cum pertinentiis iacentibus in baronia de Erth, infra vicecomitatum nostrum de Striueling, de mandato vostro visam, lectam, inspectam et diligenter examinatum, sanam, integram, non rasam, non cancellatam, nec in aliqua sui parte suspectam, ad plenum intellexisse, sub hac forma: OMNIBUS hanc cartam visuris vel audituris, Johannes, domini Lyndesay de Biris ac baro baronie de Erth, salutem in Domino sempiternam. Noueritis me dedisse, concessisse et hac presenti carta mea confirmasse, necnon dare, concedere et hac presenti carta mea confirmare honorabili viro Johanni Elphinstoun de Pettindreith, pro suo bono et gratuito seruitio michi multipliciter impenso, omnes et singulas terras de Pettindreith, ac totam et integram quartam partem terrarum de Erthbeg, cum una septima parte unius alterius quarte partis huiusmodi terrarum cum suis pertinentiis, iacentes in baronia mea de Erth predicta, et infra vicecomitatum de Striueling: Quequidem terre de Pettindreith, ac quarta pars cum dicta septima parte quarte partis predictarum terrarum de Erthbeg cum suis pertinentiis fuerunt dicti Johannis Elphinstoun hereditarie; et quas idem Johannes non vi aut metu ductus nec errore lapsus, compulsus aut coactus, sed sua mera, pura et spontanea voluntate, in manibus nostris tanquam in manibus domini superioris earundem, personaliter apud Edinburgh sursum reddidit, ac per fustem et baculum pureque simpliciter resignavit; ac totum ius et clameum, proprietatem et possessionem, que et quas ipse Johannes Elphinstoun in seu ad dictas terras de Pettindreith et Erthbeg cum suis pertinentiis habuit, habet aut quouismodo pro se et heredibus suis, habere poterit, omnino quitum clamauit imperpetuum: Tenendas et habendas omnes et singulas predictas terras de Pettindreith, necnon totam et integram predictam quartam partem terrarum de Erthbeg, cum prefata septima parte alterius quarte partis huiusmodi terrarum cum

suis pertinenciis prefato Johanni Elphinstoun et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Alexandro Elphinstoun fratri germano dicti Johannis, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus Andree Elphinstoun de Selmys et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Johanni Elphinstoun, cui Glasguensi et heredibus suis masculis de corpore suo legitime procreandis, quibus omnibus deficientibus propinquieribus heredibus masculis dicti Johannis Elphinstoun, hoc cognomen Elphinstoun gerentibus quibuscunque, a me, heredibus meis et assignatis, de supremo domino nostro rege et suis successoribus, in feodo et hereditate imperpetuum, prout iacent in longitudine et latitudine, per omnes rectas metas suas antiquas et diuisas, in domibus, edificiis, boscis, planis [*etc.*], cum curiis et exitibus, amerciamntis, herezeldis, bludewitis et merchetis mulierum, cum communi pastura ac libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad dictas terras de Pettindreith et Erthbeg cum pertinenciis, spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene, et in pace, sine retinemento, reuocacione aut obstaculo aliquali : Reddendo inde annuatim dictus Johannes Elphinstoun et heredes masculi de corpore suo legitime procreati [seu] procreandi, quibus deficientibus Alexander Elphinstoun, frater germanus dicti Johannis et heredes masculi de corpore suo legitime procreandi, quibus deficientibus [And]reas Elphinstoun de Selmys predictus, et heredes sui masculi de corpore suo legitime procreati seu procreandi, quibus deficientibus prefatus Johanues E[lp]hinstoun ciuis G[la]sguensis et heredes sui masculi de corpore suo legitime procreandi, quibus omnibus deficientibus propinquiores heredes masculi dicti Johannis Elphinstoun [hoc cognomen] Elphinstoun gerentes quicunque, dicto supremo domino nostro regi et suis successoribus seruicium de dictis terris debitum et consuetum tantum, pro omni al[io] onere,] exaccione, questione demanda seu seruicio seculari, que de dictis terris de Pettindrech et Erthbeg cum suis pertinenciis per quoscunque iuste exigere poterunt quomodolibet v[el] r[ec]quiri : Et ego vero dictus Johannes dominus Lindesay, heredes mei et assignati, omnes et singulas predictas terras de Pettindreith, uecnon totam et integram predictam quartam partem terrarum de Erthbeg, cum prefata septima parte alterius quarte partis huiusmodi terrarum cum suis pertinenciis prefato Johanni Elphinstoun et heredibus masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Alexandro Elphinstoun, fratri germano dicti Johannis et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus predicto Andree Elphinstoun de Selmys, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Johanni Elphinstoun, cui Glasguensi

antedicto et heredibus suis masculis de corpore suo legitime procreandis, quibus omnibus deficientibus legitimis et propinquieribus heredibus masculis dicti Johannis quibuscunque hoc cognomen Elphinstoun gerentibus, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Edinburgh, vicesimo primo die mensis Decembris, anno Domini millesimo quadringentesimo nonagesimo sexto, coram hiis testibus, videlicet, reuerendo in Christo patre Willelmo episcopo Abirdonensi, magistro Thoma Bailze, rectore de Cultir, Jacobi Mure, Willelmo Mortoun, Johanne Cragingelt, Jacobo Bissate et Alexandro Elphinstoun, cum multis aliis. QUAMQUIDEM cartam ac donacionem et concessionem in eadem contentas, iu omnibus suis punctis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectum, in omnibus et per omnia approbamus, ratificamus et pro nobis et successoribus nostris, pro perpetuo, ut premissum est, confirmamus: Saluis uobis et successoribus nostris iuribus et seruiciis de dictis terris cum pertinentiis ante presentem nostram confirmacionem nobis debitis et consuetis. In cuius rei testimonium presenti carte nostre confirmacionis magnum sigillum nostrum apponi precepimus; testibus, reuerendo in Christo patre Willelmo Episcopo Abirdonensi, nostri secreti sigilli custode; dilectis consanguineis nostris, Archibaldo Comite Angusie, domino Douglas, cancellario nostro, Archibaldo Comite de Ergile, domino Campbell et Lorue, magistro hospicii nostri, Patricio Comite de Boithuile, domino Halis, Alexandro domino Hume, magno camerario nostro, Johanne domino Drummond, iusticiario nostro; venerabilibus in Christo patribus, Georgio abbate de Dunfermling, Georgio abbate de Pasleto, thesaurario nostro; et dilectis clericis nostris, magistris Ricardo Murehede, decano Glasguensi, secretario nostro, et Johanne Fresale, decano de Lestalrig, nostrorum rotulorum et registri ac concilii clerico; apud Edinburgh, primo die mensis Februarii, anno Domini millesimo quadringentesimo nonagesimo sexto, et regni nostri nono.<sup>1</sup>

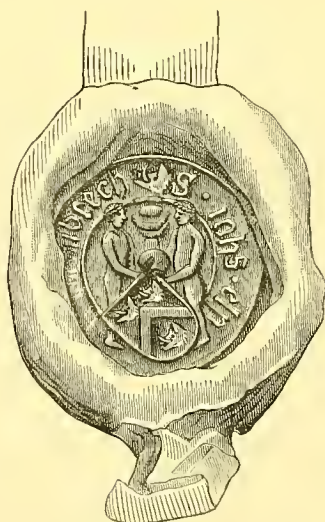
17. PRECEPT by JOHN ELPHINSTOUN of Pettindreich to infeft his son ALEXANDER ELPHINSTOUN, in the lands of Stirkfeild, in the shire of Selkirk. 2nd October 1497.

JOHANNES ELPHINSTOUN de Pettindrech, dilectis meis, Johanni Scot in Northous, Willelmo Scot, Alexandro Levingstoun, Symoni Brakanrike, Willelmo Bonare

<sup>1</sup> A precept to infeft John Elphinstone in these lands was issued by John, Lord Lindsay, at Edinburgh, on 22nd December 1496. Sasine of the lands was given at the principal

message of Pendreich, on 17th April 1497. [Original charter, precept, and sasine in Elphinstone charter-chest.]

balliuis meis in hac parte specialiter constitntis, salutem. Quia dedi, concessi hereditarie dilecto filio meo Alexandro Elphinstoun totas et integras terras meas de Stirkfeild, cum tenentes (*sic*), tenendriis et libere tenencium ac seruiciis earundem, cum suis pertinenciis, iacentes in baronia de Chawmernewtoun et infra vicecomitatum de Selkirk, prout in carta sua desuper confecta plenius continetur: Quare vobis et vestrum cuilibet, coninnetim et diuisim, precipio et mando, ac do in mandatis, quatenus visis presentibus, saisinam, statum et possessionem hereditariam predictarum terrarum de Stirkfeld, cum tenentes, tenendriis et libere tenencium ac seruiciis earundem, cum suis pertinenciis, prefato Alexandro Elphinstoun vel suo certo actornato, latori presencium, secundum tenorem carte mee, quam de me inde habet, inste deliberetis et habere faciatis sine dilatione: Ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim, meam plenariam, liberam, legitimam et irreuocabilem potestatem committo per presentes. In cuius rei testimonium sigillum meum presentibus est appensum, apnd Edinburgh, secundo die mensis Octobris, anno Domini millesimo quadringentesimo nonagesimo septimo, coram hiis testibus, Andrea Elphinstoun de Selmys, Willelmo Bonar, Johanne Watsoun, Edmundo Spens, David Powis, Jacobo Thomsoun et Adam Lowtfute, cum diuersis aliis. [Seal attached—a chevron between three boars' heads, erased: Supporters, two men, nude: For crest, above a helmet, a boar's head, erased. Legend, S. IOHS. ELP . . . DRECH.]



18. CONFIRMATION by KING JAMES THE FOURTH of Charter by JOHN, LORD SEMPILL, to JOHN ELPHINSTONE of Earth, of the lands of Cragrossy, dated 12th, and confirmed 27th August 1502.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos quamdam cartam alienacionis et tallie, factam per dilectum consanguineum nostrum, Johannem dominum Sempill, dilecto familiari armigero nostro Johanni Elphinstoun de Earth hereditarie, de omnibus et singulis terris de le Myddilthrid de Cragrossy cum suis pertinenciis, ac de tota et integra superioritate tenandrie dictarum terrarum de Cragrossy nuucupatarum le West Part de Cragrossy cum pertinenciis, iacentibus in senescallatu de Stratherne et infra vicecomitatum nostrum de Perth, de mandato nostro visam, lectam, inspectam et diligenter examinatum, sanam, integram, non rasam, non cancellatam, nec in aliqua sui parte suspectam, ad plenum intellexisse, sub hac forma :—OMNIBUS hanc cartam visuris vel audituris, Johannes dominus Sempill, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, vendidisse, ac titulo vendicionis alienasse et hac presenti carta mea confirmasse, necnon dare, concedere, vendere, alienare, et hac presenti carta mea confirmare honorabili viro, Johanni Elphinstoun de Earth, omnes et singulas terras de le Myddilthrid de Cragrossy cum pertinenciis, quas Adam Schaw de me in pignore habet die confectionis presentis carte mee, necnon totam et integram superioritatem illius tenandrie dictarum terrarum de Cragrossy vocatarum Partem Occidentalem (*sic*) de Cragrossy, quam Partem Occidentalem Johannes dominus Ross de Halkhede de me in feodo hereditarie habet, cum suis pertinenciis ; iacentes in villa et territorio de Cragrossy, in senescallatu de Stratherne, et infra vicecomitatum de Perth ; pro quadam certa summa pecunie michi per dictum Johannem Elphinstoun pre manibus gratanter et integre persoluta in pecunia numerata, et in vsum meum totaliter conuersa ; de quaquidem summa pecunie teneo me contentum ac plenarie et integre persolutum, prefatumque Johannem Elphinstoun, heredes suos, executores et assignatos quietum inde clamo imperpetuum tenore presentis carte mee : Tenendas et habendas omnes et singulas predictas terras de le Myddilthrid of Cragrossy, vnacum dicta superioritate dicte tenandrie huiusmodi terrarum vocatarum Parte Occidentali (*sic*) de Cragrossy cum suis pertinenciis, prefato Johanni Elphinstoun, heredibusque suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Alexandro Elphinstoun, fratri germano ipsius Johannis et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus Andree Elphinstoun de Selmys et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus Johanni Elphinstoun, filio auunculi ipsius Johannis, et heredibus suis masculis de corpore suo legitime

procreatis seu procreandis ; quibus omnibus deficientibus, legitimis et propinquieribus heredibus masculis, cognomen et arma de Elphinstonis gerentibus, quibuscunque ; a me, heredibus meis et assignatis, de supremo domino nostro rege et suis successoribus, in feodo et hereditate imperpetuum, prout iacent in longitudine et latitudine, per omnes rectas metas suas antiquas et diuisas, in domibus, edificiis, boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, siluis, riolis et lacubus, petariis, turbariis, carbonariis, columbariis, cuniculariis, fabrilibus, brasinis [etc.] ad predictas terras de le Myddilthrid of Cragrossy, vna cum dicta superioritate dicte tenandrie huiusmodi terrarum vocatarum Parte Occidentali de Cragrossy, cum suis pertinenciis, spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine retinemento, reuocatione aut contradictione quacunque : Reddendo inde annuatim dictus Johannes Elphinstoun, et heredes sui masculi de corpore suo legitime procreati seu procreandi, et ceterae persone in presenti carta superius talliate, et heredes sui masculi predicti dicto supremo domino nostro regi et suis successoribus seruicium debitum et consuetum, tantum ; pro omni alio onere, exactione, questione, demanda seu seruicio seculari, quae de dictis terris de le Myddilthrid of Cragrossy, vna cum dicta superioritate dicte tenandrie huiusmodi terrarum cum pertinenciis per quoscunque iuste exigi poterunt quomodolibet vel requiri. Et ego, vero, dictus Johannes dominus Simpill, heredes mei et assignati, omnes et singulas predictas terras de le Myddilthrid de Cragrossy, vna cum dicta superioritate dicte tenandrie huiusmodi terrarum vocatarum Parte Occidentali de le Cragrossy cum suis pertinenciis, prefato Johanni Elphinstoun, heredibusque suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus, Alexandro Elphinstoun, fratri germano ipsius Johannis, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus, Andree Elphinstoun de Selmys, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus deficientibus, Johanni Elphinstoun, filio auunculi ipsius Johannis, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus omnibus deficientibus, legitimis et propinquieribus heredibus masculis, cognomen et arma de Elphinstonis gerentibus, quibuscunque ; adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum meum huic presenti cartae meae est appensum, apud Edinburgh, duodecimo die mensis Augusti, anno Domini millesimo quingentesimo secundo ; coram hiis testibus, viz., Johanne Simpill, fratre meo, Johanne Simpill in Corsfurd, Alano Simpill, Willelmo Mure, Alexandro Levingstoun, Roberto Calendare et David Henderson, cum multis aliis. QUAMQUIDEM cartam, ac vendicionem, alienacionem et talliam in eadem contentas, in omnibus suis punctis et articulis, condicionibus et modis ac circumstantiis suis quibuscunque, forma pariter et

effectu, in omnibus et per omnia, approbamus, ratificamus, et pro nobis et successoribus nostris, ut premissum est, pro perpetuo confirmamus : Ac etiam pro specialibus fauoribus quos gerimus dicto Johanni Elphinstoun, et pro suo bono gratuitoque seruicio nobis impenso, pro nobis et successoribus nostris, vniuius et annexauimus, et hac presenti carta nostra vnimus et annexamus dictas terras de le Myddilthrid de Cragrossy, et superioritatem dicte tenandrie, baronie de Erth Chavmerlane imperpetuum : Saluis nobis et successoribus nostris iuribus et seruiciis dictarum terrarum ante prefatas nostras confirmacionem, vnionem et annexacionem, debitis et consuetis : Seruicio vero curiarum, que prius facta fuerunt huiusmodi terris cum pertinenciis in curiis senescallatus nostri de Stratherne volumus et hac presenti carta nostra ordinamus huiusmodi seruicia futuris temporibus fieri facienda in curiis principalibus vicecomitatus nostri de Perth. Eximendo insuper possessores et inhabitantes dictarum terrarum de Cragrossy et tenandrie earundem ab omni iurisdictione senescallorum nostrorum de Strathern nunc presencium et futurorum ; et subiciendo eosdem immediate iurisdictioni vicecomitis nostri principalis de Perth, qui pro tempore fuerit, et suorum deputatorum imperpetuum. In cuius rei testimonium presenti carte nostre confirmacionis, vnionis et annexacionis, magnum sigillum nostrum apponi precepimus. *Testibus, ut in decima carta precedente.* Apud Striueling, vicesimo septimo die mensis Augusti, anno Domini millesimo quingentesimo secundo, et regni nostri decimo quinto.<sup>1</sup>

19. CHARTER by KING JAMES THE FOURTH to JOHN ELPHINSTONE of Erth, Knight, of the Lands and Barony of Erth-Chalmerlane, the Lands of Pettindreich and Cragorth, erected into the Barony of Elphinstone, 4th January 1503-4.

JACOBUS, Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac pnti carta nostra confirmasse dilecto nostro familiari Johanni Elphinstoun de Erth, militi, omnes et singulas terras et baroniam de Erthchawmyrlane, cum tenentibus, tenandriis et liberetenenciis seruiciis eiusdem cum pertinenciis, terras de Pettindreich cum suis pertinenciis, et terras

<sup>1</sup> Registrum Magni Sigilli, Lib. xiii. No. 543. The witnesses to the Crown Charter of Confirmation referred to are the following, named in the tenth charter preceding in the same volume :

“Testibus, reuerendissimo in Christo patre nostroque carissimo fratre, Jacobo Sancti-andree archiepiscopo, etc.; reuerendo in Christo patre, Willelmo episcopo Abir-donensi, nostri secreti sigilli custode; dilectis

consanguineis nostris, Archibaldo comite de Ergile, domino Campbele et Lorne, magistro hospicii nostri, Patricio comite de Bothuile, domino Halys, etc., Alexandro domino Hume, magno camerario nostro, Andrea domino Gray, iusticiario nostro; et dilectis clericis nostris, magistris Ricardo Murehede, decano Glasguensi, secretario nostro, et Gawino Dunbar, decano Morauienti, nostrorum rotulorum et registri ac consilii clerico.”

de Cragorth cum suis pertinenciis, iacentes infra vicecomitatum nostrum de Striueling : Quequidem terre et baronia, cum tenentibus, tenandriis, ac liberetenencium seruiciis cum pertinenciis fuerunt dicti Johannis hereditarie ; et quas idem, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras apud Edinburgh personaliter per fustim et baculum sursum reddidit, pureque et simpliciter resignauit, ac totum ius et clameum, que in dictis terris et baronia cum pertinenciis habuit seu habere potuit, pro se et heredibus suis, omnino quitteclamauit imperpetuum : Et quas omnes et singulas terras et baroniam predictas, cum tenentibus, tenandriis et libere tenencium seruiciis earundem cum pertinenciis, pro fideli et gratuito seruicio nobis per prefatum Johannem impenso, ac pro singulari fauore quem gerimus erga eundem, creauimus, vniuimus, annexuimus et incorporauimus, et hac presenti carta nostra creamus, vnimus, annexamus et incorporamus in vnā merā liberā baroniam, perpetuis futuris temporibus baroniam de Elphingstoun nuncupandam ; necnon villam de Litill Erth, iacentem infra dictā baroniam de Erth-Chawmerlane, principale messuagium eiusdem baronie de Elphingstoun existere, et predictum nomen de Elphingstoun imperpetuum gerere et habere : Tenendas et habendas omnes et singulas dictas terras et baroniam de Erth-Chawmyrlane, cum tenentibus, tenandriis et liberetenencium seruiciis eiusdem cum pertinenciis, et dictas terras de Pettindreich cum pertinenciis, dicto Johanni et heredibus suis masculis quibuscunque ; et predictas terras de Cragorth cum suis pertinenciis eidem Johanni et heredibus suis legitimis quibuscunque sic vt premittitur, in vnā merā et liberā baroniam vnitas et annexatas, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas [*etc.*], cum curiis et earum exitibus, herezeldis, bludewitis et merchetis mulierum ; cum furca, fossa, sok, sak, tholl, theme, infangtheif, outfangtheif, pitt et gallous ; ac cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis, ac iustis pertinenciis suis quibuscunque [*etc.*] : Reddendo inde annuatim dictus Johannes et heredes sui supradicti, nobis et successoribus nostris, tres sectas ad tres curias capitales per vicecomitem nostrum de Striueling tenendas, necnon wardam et releuium dictarum terrarum et baronie cum tenentibus, tenandriis et liberetenencium seruiciis, et maritagium, cum contigerint, tantum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus ; testibus, reuerendissimo in Cristo patre nostroque carissimo fratre, Jacobo Sanctiandree archiepiscopo, Duce Rossie, etc., cancellario nostro ; reuerendo in Cristo patre, Willelmo Episcopo Abirdonensi, nostri secreti sigilli custode ; dilectis consanguineis nostris, Archibaldo comite de Ergile, domino Campbele et Lorne, magistro hospicii nostri, Patricio comite de Boithuill, domino Halis, etc., Matheo comite de Levenax, domino Dornlie, Alexandro domino Hume, magno camerario nostro, Andrea domino Gray, iusticiario nostro ; et dilecto clerico nostro, magistro Gawino Dunbar, decano Morauisiensi, nostrorum rotulorum et

registri ac consilii clerico : Apud Edinburgh, quarto die mensis Januarii, anno Domini millesimo quingentesimo tercio, et regni nostri decimosexto. [Great Seal attached, but broken.]

20. CHARTER by KING JAMES THE FOURTH to ISOBELLA ELPHINSTONE, for being nurse to his late eldest son JAMES, PRINCE OF SCOTLAND AND OF THE ISLES, of the lands of Chapelton and others for her lifetime. 9th March 1507-8.

JACOBUS, Dei gratia Rex Scotorum, omnibus probis hominibus suis ad quos presentes littere pervenerint, salutem. Sciatis quod dedimus et concessimus, ac tenore presentium damus et concedimus dilecte nostre Isobelle Elphinstoun, nutrici quondam carissimi filii nostri primogeniti, Jacobi, Principis Scotie et Insularum, pro suo fideli et gratuito servitio, in diligenti et assiduo labore per eam sustento et facto, in tenera nutritione dicti quondam carissimi filii nostri, firmas omnium et singularum nostrarum quinque marcatarum terrarum de Chapelton, durantibus assedationibus tenentium et inhabitantium nunc in eisdem; et postquam exitus dictarum assedationum plenarie fuerit elapsus, damus et concedimus dicte Isobelle prefatas terras de Chapelton, ac firmas quinque marcatarum terrarum de Bouschaw et Dryrig, quinque marcatarum terrarum de le Miltoun Crevauch, quinque marcatarum terrarum de Orummullisheuch, quinque marcatarum terrarum in le Blaklaw, et quinque marcatarum terrarum in Riddiuhill et Holhous, exteudentium annuatim in rentali nostro ad viginti libras usualis monete regni nostri, jacentium in ballia de Cunynghame infra vicecomitatum nostrum de Aire, pro toto tempore vite ipsius Isobelle: Teuendas et habendas totas et integras firmas terrarum predictarum de Chapelton, durantibus assedationibus teuentium et inhabitantium nunc in eisdem, ut premittitur, et post exitum dictarum assedationum, dictas terras de Chapelton, ac firmas terrarum de Bonischaw, Dryrig, le Miltou Crevauch, Orummullisheuch, Blaklaw, Riddinghill et Holhous, cum suis pertinentiis, de nobis et successoribus nostris, Scotie regibus, dicte Isobelle pro omnibus diebus vite sue, cum omnibus et singulis libertatibus, commoditatibus, et proficiis, ad predictas terras spectantibus seu juste spectare valentibus quomodolibet in futurum; cum potestate eidem Isobelle teneutes sub se in dictis terris de Chapelton, post exitum assedationum tenentium nunc easdem inhabitantium, prout sibi videbitur expedire faciendi et ordinandi, libere, quiete, bene, et in pace, sine impedimento, obstaculo, aut contradictione, durante vita ipsius Isobelle. Quare universis et singulis, quorum interest vel interesse poterit, stricte precipimus et mandamus, ne quis impedimentum seu obstaculum faciat dicte Isobelle, suisve teuentibus, factoribus, aut servitoribus in perceptiue et levatione firmarum dictarum terrarum, ac occupatione et laboratione dictarum terrarum de Chapelton, post exitum assedationum dictorum tenentium, ut

premittitur, sub omni pena que competere poterit in hac parte. Precipimus etiam compotorum nostrorum rotulatori et Scaccarii nostri auditoribus qui pro tempore fuerint, quatenus allocationem faciant in premissis annuatim, durante vita dicte Isobelle. Datum sub nostro magno sigillo apud Edinburgh, nono die mensis Martii, anno Domini millesimo quingentesimo septimo et regni nostri vicesimo.<sup>1</sup>

21. PATENT to JOHN, BARON ELPHINSTONE (Scottish Peerage), to be BARON ELPHINSTONE OF ELPHINSTONE in the Peerage of the United Kingdom. 21st May [1859].

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all Archbishops, Dukes, Marquesses, Earls, Viscounts, Bishops, Barons, Knights, Provosts, Freeman, and all other our officers, ministers, and subjects whatsoever, to whom these presents shall come, greeting. Know ye that we, of our especial grace, certain knowledge, and mere motion, have advanced, preferred and created our right trusty and well-beloved councillor, John Baron Elphinstone, in that part of our United Kingdom of Great Britain and Ireland called Scotland, Knight Grand Cross of the Most Honourable Order of the Bath, Governor of the Presidency of Bombay, to the state, degree, dignity and honor of BARON ELPHINSTONE of Elphinstone, in our county of Stirling : And him the said John Baron Elphinstone, Baron Elphinstone of Elphinstone aforesaid, do by these presents create, advance and prefer : And we have appointed, given and granted, and by these presents, for us, our heirs and successors, do appoint, give and grant unto him, the said John Baron Elphinstone, the name, state, degree, style, dignity, title and honor of Baron Elphinstone of Elphinstone aforesaid : To have and to hold the said name, state, degree, style, dignity, title and honor of Baron Elphinstone of Elphinstone aforesaid unto him the said John Baron Elphinstone, and the heirs-male of his body lawfully begotten and to be begotten : Willing and by these presents granting, for us, our heirs and successors, that the said John Baron Elphinstone and his heirs-male aforesaid, and every of them successively, may bear and have the name, state, degree, style, dignity, title and honor of Baron Elphinstone of Elphinstone aforesaid : And that they and every of them successively may be called and styled by the name of Baron Elphinstone of Elphinstone, in our county of Stirling : And that he, the said John Baron Elphinstone, and his heirs-male aforesaid, and every of them successively, may in all things be held and deemed Barons Elphinstone of Elphinstone aforesaid, and be treated and reputed as Barons : And that

<sup>1</sup> Register of the Great Seal, vol. ii. No. 3204. Exchequer Rolls, vol. xiii. pp. 40, 41.

they and every of them successively and respectively may have, hold and possess a SEAT, PLACE and VOICE in the parliaments and public assemblies and councils of us, our heirs and successors, within our United Kingdom of Great Britain and Ireland, amongst other Barons, as Barons of parliament and public assemblies and councils : And also that he, the said John Baron Elphinstone, and his heirs-male aforesaid, may enjoy and use, and every of them may enjoy and use, by the name of Baron Elphinstone of Elphinstone aforesaid, all and singular the rights, privileges, pre-eminences, immunities and advantages, to the degree of a Baron in all things duly and of right belonging, which other Barons of this our United Kingdom of Great Britain and Ireland have heretofore honorably and quietly used and enjoyed, or as they do at present use and enjoy. Lastly, we will, and by these presents for us, our heirs and successors, do grant to the said John Baron Elphinstone that these, our Letters Patent, or the inrolment thereof, shall be sufficient and effectual in the law for the dignifying, investing and really ennobling him, the said John Baron Elphinstone, and his heirs-male aforesaid, with the title, state, dignity and honor of Baron Elphinstone of Elphinstone aforesaid ; and this without any investiture, rites, ornaments or ceremonies whatsoever, in this behalf due and accustomed, which, for some certain reasons best known to us, we could not in due manner do and perform ; any ordinance, use, custom, rite, ceremony, prescription or provision, due or used, or to be had, done or performed in conferring honors of this kind, or any other matter or thing to the contrary thereof, notwithstanding : We will also, and by these presents grant to the said John Baron Elphinstone that he may and shall have these our Letters Patent duly made and sealed under our Great Seal of our United Kingdom of Great Britain and Ireland without fine or fee, great or small, to be for the same in any manner rendered, done, or paid to us in our Hanaper or elsewhere to our use. In Witness whereof we have caused these our Letters to be made patent. Witness, Ourselves, at Westminster, the twenty-first day of May, in the twenty-second year of our reign.

By Warrant under the Queen's sign manual,

C. ROMILLY.<sup>1</sup>

<sup>1</sup> The patent is beautifully engrossed, with gold lettering at intervals and ornamented at the top and sides with the following emblazons :—At the top, in the centre, are the royal arms of England, with the crest of Scotland on the dexter side encircled by a ring of thistles, and on the sinister side the crest of Ireland encircled with shamrock. Arranged down the dexter margin are three mantlings of crimson and ermine bordered with gold, the uppermost bearing the badge of England, the

central one the Union badge of the crosses, and the lowest the badge of Ireland ; on the sinister margin are three similar mantlings, the uppermost bearing the badge of Scotland, the central one the Union badge of the crosses, and the lowest the badge of Wales ; all depicted in proper colours.

Appended is the Great Seal of Queen Victoria, of green wax, and enclosed in a japanned tin casquet.

22. PATENT to WILLIAM BULLER FULLERTON, BARON ELPHINSTONE (Scottish Peerage), to be BARON ELPHINSTONE OF ELPHINSTONE, in the Peerage of the United Kingdom. 30th December 1885.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all Archbishops, Dukes, Marquesses, Earls, Viscounts, Bishops, Barons, Knights, Provosts, Freemen, and all other our officers, ministers, and subjects whatsoever, to whom these presents shall come, greeting. Know ye that we, of our especial grace, certain knowledge, and mere motion, have advanced, preferred, and created our right trusty and well-beloved William Buller Fullerton, Baron Elphinstone, in that part of our said United Kingdom called Scotland, to the state, degree, dignity, and honour of BARON ELPHINSTONE OF ELPHINSTONE, in our county of Haddington; And him, the said Baron Elphinstone of Elphinstone aforesaid, do by these presents advance, create, and prefer: And we have appointed, given, and granted, and by these presents for us, our heirs and successors, do appoint, give, and grant unto him, the said William Buller Fullerton, Baron Elphinstone, the name, state, degree, style, dignity, title, and honour of Baron Elphinstone of Elphinstone aforesaid: To have and to hold the said name, state, degree, style, dignity, title, and honour of Baron Elphinstone of Elphinstone aforesaid, unto him the said William Buller Fullerton, Baron Elphinstone, and the heirs-male of his body lawfully begotten and to be begotten: Willing and by these presents granting for us, our heirs and successors, that the said William Buller Fullerton, Baron Elphinstone, and his heirs-male aforesaid, and every of them successively, may bear and have the name, state, degree, style, dignity, title, and honour of Baron Elphinstone of Elphinstone aforesaid: And that they and every of them successively may be called and styled by the name of Baron Elphinstone of Elphinstone in our county of Haddington: And that he, the said William Buller Fullerton, Baron Elphinstone, and his heirs-male aforesaid, and every of them successively, may in all things be held and deemed Barons Elphinstone of Elphinstone aforesaid, and be treated and reputed as Barons: And that they, and every of them successively and respectively, may have, hold and possess a SEAT, PLACE, and VOICE in the Parliaments and public assemblies and councils of us, our heirs and successors, within our United Kingdom of Great Britain and Ireland, amongst other Barons, and Barons of Parliament, and public assemblies, and councils: And also that he, the said William Buller Fullerton, Baron Elphinstone, and his heirs-male aforesaid, may enjoy and use, and every of them successively may enjoy and use, by the name of Baron Elphinstone of Elphinstone aforesaid, all and singular the rights, privileges, pre-eminences, immunities, and advantages to the degree of a Baron in all things duly

and of right belonging, which other Barons of this our United Kingdom of Great Britain and Ireland have heretofore honourably and quietly used and enjoyed, or as they do at present use and enjoy. Lastly, we will, and by these presents for us, our heirs and successors, do grant to the said William Buller Fullerton, Baron Elphinstone, that these our Letters Patent, or the inrolment thereof, shall be sufficient and effectual in the law for the dignifying, investing, and really ennobling him, the said William Buller Fullerton, Baron Elphinstone, and his heirs-male aforesaid, with the name, title, dignity, and honour of Baron Elphinstone of Elphinstone aforesaid; and this without any investiture, rites, ornaments, or ceremonies whatsoever in this behalf due and accustomed; which for some certain reasons best known to us we could not in due manner do and perform; any ordinance, use, custom, rite, ceremony, prescription or provision, due or used, or to be had, done, or performed in conferring honours of this kind, or any other matter or thing to the contrary thereof, notwithstanding. In Witness whereof we have caused these our Letters to be made Patent. Witness, Ourselves, at Westminster, the thirtieth day of December, in the forty-ninth year of our reign.

By warrant under the Queen's Sign Manual.

MUIR MACKENZIE.<sup>1</sup>

<sup>1</sup> This patent is written in a beautiful hand, with gold lettering at the beginning, and emblazoned along the top and sides as follows:—At the top, in the centre, are the royal arms of the United Kingdom, with the crest of Scotland on the dexter side encircled by a ring of thistles, and on the sinister side the crest of Ireland encircled with shamrock. Arranged down the dexter margin are three mantlings of crimson and ermine, fringed with gold, the uppermost bearing the badge of

England, the central one the Union badge of the crosses, and the lowest the badge of Ireland; on the sinister margin are three similar mantlings, the uppermost bearing the badge of Scotland, the central one the Union badge of the crosses, and the lowest the badge of Wales, all depicted in proper colours.

Appended is the Great Seal of Queen Victoria, of green wax, and enclosed in a japanned tin casquet.

## ABSTRACTS OF THE FOREGOING CHARTERS.

- PAGE
1. Charter by Peter of Grame, by which he grants to God and St. Mary and the house of the Holy Trinity of Soltre, and friars there serving God, three bovates of arable land in the territory of Elwynystoun, to wit, the toft and croft which belonged to Michael, and the toft and croft which belonged to Walter "Sevi," and the toft and croft which belonged to Essok the widow, and the whole land in Stanilandis, the whole land in Buttes, the whole land in Wethlandis, and the whole land on the east side of Weteslade, as each bovat is divided by its right marches. To be held by the friars of Soltre and their successors, of the granter and his heirs, in perpetual alms, as freely as any religious house in Scotland possesses any almsgift. Contains clause of warrandice and states that the granter's seal was affixed. Witnesses, Sir Alan of Wyntoun, Sir Milo Coruet, Sir Alexander of Setoun, Sir Robert of St. Clair, Alan of Fausyde, William of Trauernent, Thomas son of William, Stephan the chaplain, who wrote the deed. No date, but *inter* 1190-1238, ..... 217
  2. Charter by James, lord of Douglas, by which he grants to Roger of Moray, son of the late Archibald of Moray, for his service rendered to the granter, all his lands and tenement of Faulau, in his barony of Heriath, by these marches :—Beginning at the Blacsikis, descending to the water of Galv (Gala), and so by the water of Galu as far as the Redestane towards the west, and from the Redestane to the Stane carne, and as far as Whitstrothirheuid, and so to the Redestane on the south side of Foulewodheuid, by the middle of the Strother marching with Foulewodheuid to the west, and so to Balliley as far as Huntlau, and from Huntlau to the highway going towards Hadyngton towards the north, and so by the highway as far as Smalchoucheuid, and from thence till it came to the Blacsikis. To be held by Roger and his heirs, of the granter and his heirs, in fee and heritage, for two shillings annually in name of blench-farm. Contains clause of warrandice. Witnesses, Sir Walter, Steward

- of Scotland, Sir Henry of St. Clair, Sir Robert of Keth, Sir Alexander of Setoun, Sir Robert of Lauwedre, John of Elfinestoun, Egidius of Hornestoun. At Neubotle, 1st September 1321, ..... 218
3. Confirmation by William of Lewyngstoun, knight, lord of Gorgyne, by which he ratifies a charter by Sir Fergus Cumyne, knight, lord of Gorgyne, his predecessor :—Charter by Fergus Cumyne, knight, lord of Gorgyne, granting to the House of the Holy Rood of Edinburgh, the right to make a mill-dam for their mill of Salehtoun, across the water of Leith, upon his lands of Gorgyn. His seal is said to be appended. Witnesses, Sir William of Lysuris, then constable of the castle of Maidens, Serlo of Seton, and Alexander his son, Master John of Elfyngstoun, Hugh of Dudyngstoun, Thomas of Bennachetyne, then steward of the abbot of Holy Rood, Patrick son of Symon, Richard of Striuelyn, William son of William son of Bartholomew, burgesses of Edinburgh. No date, but *circa* 1260. Lewyngstoun to his confirmation adds a clause, that if by flooding or breaking forth of the water of Leith, their dam should be broken or injured, so that they could not grind at their mill, the monks might make their dam wherever they willed on his lands of Gorgyne. Confirmation dated at Edinburgh, 31st March 1328. Witnesses, Sirs Alexander of Setoun, elder, and William of Ramhishay, knights, and others, 219
4. Charter by William of Leuyngston, knight, lord of Drumry, by which, for the weal of his soul, and the souls of Margaret his wife, their children, his father Andrew, and his mother Elen, etc., he grants to St. Mary of Newbotle, and the monks there, and their men, who should be for the time dwellers on their lands of Estyrkragh of Gorgyn, the liberty of grinding their grain of the tillage of Estyrkragh coming to his mill of Gorgyne, immediately after his dominical grain, without payment of multure. Clause of warrandice. Witnesses, Sir John, abbot of the Holy Rood of Edinburgh, Sirs Alexander of Seton, David of Wemys, William of Abernityhn, knights, John of Elfynston, Robert of Fausyd, Ralph of Craneston. At Newbotle, 3rd March 1338, ..... 220
5. Charter by Thomas of Erth, knight, lord of Walughtoun, granting to Alexander of Elfingestoun, son of the late John of Elfingestoun, all that land, with the pertinents, which belonged to the late Marjory, his mother, in the holding of Erthbeg ; which land the said Marjory resigned to Sir Thomas, as her superior, in his full court held at Erth, in her free widow-

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- hood, and of her own free will. To be held by Alexander and his heirs of his body, of the granter and his heirs, in fee and heritage, with the fishing of Qwikslyk, and pasture for six horses in the isle of Erth, and with common pasture, for payment of one pound of cumin at the feast of St. Ethot, at Erth yearly. Clause of warrandice. Witnesses, Sir Robert of Lawedre, then justiciary of Lothian, Sir Malcolm Fleming, Sir Walter son of Gilbert, knights; Reginald More, then chamberlain of Scotland, John of Kalenter, William of Munghale, clerk, ..... 221
6. Confirmation by David (the Second), King of Scots, of a charter by Alexander of Elfynyston, lord of that ilk, by which he grants to Alexander More, son of the late Sir Adam More, knight, in exchange for a certain piece of land in Erthbeg, which the granter formerly had, and for a certain sum of money, all his land of Kythumbre (now Kittymure, in the parish of Stone-house, Lanarkshire), in the barony of Stanhou: which land Sir Godfrey of Roos, formerly lord of the same, gave in fee and heritage to Alexander of Elfynyston, the granter's late father. To be held by Alexander and his heirs and assignees, of the granter, his heirs and assignees, in fee and heritage: and if the lands by way of law or other process were recovered, so that More and his heirs could not peacefully possess them, the granter binds himself and his heirs to restore to him and them his whole land of Erthbeg, which he had for the foresaid land of Kythumbre, or at least to make for the said Alexander and his heirs such a land in his holding of Elfynyston, as the land of Kythumbre used anciently to be worth. Contains clause of warrandice. No date. Confirmation dated at Edinburgh, 4th June, 33rd year of reign [1363]..... 221
7. Indenture between Sir George of Leslie, knight, and Heliseus of Kynnynmonth, son and heir of the late Alexander of Kynnynmonth, lord of that ilk, by which it is agreed that Heliseus should marry Elizabeth of Elphestoun, niece of Sir George. Contains various conditions, as narrated in the writ itself and the accompanying translation. Dated at Cupar, in Fife, 26th April 1392. The copy in the Elphinstone charter-chest is certified by David Kynnynmound of that ilk, 16th February 1603, ..... 222
8. Charter by Robert (the Third), King of Scots, by which he grants to his beloved and faithful William of Lyndesay, knight, all his lands of Petyndreych, in the shire of Striuelyne; which William of Keth, knight, marischal of Scotland, and Margaret Fraser, his spouse, surrendered to the

king. To be held by him and his heirs, of the king and his heirs, in fee and heritage for ever, for giving of service due and wont. Witnesses, Walter, bishop of St. Andrews, etc. At Perth, 29th June 1393, ..... 225

9. Precept by William of Lyndissay, lord of Byris, to give seizin to William of Elfynystoun, lord of that ilk, of his whole lands of Petyndrech, and to the heirs male of his body, whom failing, to Alexander of Elphynystoun, and the heirs male of his body, whom failing, to Norman of Elfynystoun and the heirs male of his body, whom failing, to James of Elfynystoun, his brother, and the heirs male of his body, whom failing, to the lawful heirs of the said William whomsoever; charging John, son of Adam of Birkynschaw, his bailie of his lands of Petyndrech, to give seizin of the lands. Quaralle, 6th September 1397, ..... 226
10. Confirmation by Murdach, Duke of Albany, Earl of Fife and of Menteth, and governor of Scotland, of charter by the late William of Lyndesay of Byris, knight, to his kinsman, William of Elfinistoun, son and heir of the late William of Elfinistoun, knight, for his homage and service and special "retinencia" made to the said Sir William for the whole time of his life, of his lands of Pettyndrech, in the shire of Striuelyne:— Charter by William of Lyndesay, lord of Byris, to his beloved kinsman, William of Elfinistoun, son and heir of the late Sir William of Elfynystoun, "our knight," for his homage and service and special "retinencia" with him for the whole time of his life, of all his lands of Pettyndrech, in the shire of Striuelyne. To be held by him and the heirs male of his body, whom failing, by Alexander, Norman, or William, all brothers of the said William, and the heirs male of their bodies, successively, on failure of the elder brother and heirs male of his body, whom all failing, by the heirs of the said William whomsoever, of the granter and his heirs and assignees, lords of his lands of Drem, in the shire of Edinburgh and constabulary of Hadyngtoun, in fee and heritage for ever; for rendering a common suit at his courts to be held at Drem: Reserving to himself the frank-tenement of the lands for his lifetime; with provision that the granter and his heirs, lords of the lands of Drem, should personally fulfil to the King the services due for the lands of Pettyndrech; on failure to do which the said William and his heirs might decline from the granter and his heirs, and call the king to be their lord superior. Witnesses, Walter, bishop of St. Andrews, Dougall, bishop of Dunblane,

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- Robert, Duke of Albany, Earl of Fife and of Menteth, Archibald of Douglas, lord of Galloway, David of Lyndesay of Craufurd, earls ; Thomas of Erskene, lord of that ilk, George of Lesly, lord of Rothes, knights ; Andrew of Lyndesay, and Walter of Bykyrtoune. No date, but probably the same date as the precept, 6th September 1397 (No. 9 *supra*). The confirmation by Murdach, Duke of Albany, is dated at Edinburgh, 4th March 1423-4, and is said to have the great seal of his office appended. Witnesses, Alexander Stewart of Kynclivin, his son, James of Douglas of Balvany, his brother, and others, ..... 226
11. Charter by Robert, Duke of Albany, Earl of Fyf and of Mentethe, and governor of Scotland, by which he confirms the gift and grant, which his dearest kinsman, Archibald, Earl of Douglas, lord of Galloway, made to his well beloved William of Craufurd of Ferme, knight, of his lands of Hallis of Erthe, and Heetoun of Erthe, with fishings, and common boat of the port of Erthe in the shire of Striuelyne. To be held by him, his heirs and assignees ; with the reservation that William of Craufurd, his heirs or assignees, should do to the king and his heirs yearly at the sheriff courts of Striuelyne and at courts of justiciary held there, the snits dnc and wont, with all other service dne and wont. Dated at Innyrkethine, 2nd August 1409, ..... 228
12. Instrument of Resignation by Dame Agnes of Erth, spouse of John of Leuyngstoun, lord of Manerstoun, by which, with consent of her sponse, she surrenders in the hands of Sir John Lindissay, lord of the barony of Erth, and her lord superior in that part, all her lands of Erthabeg in the barony foresaid ; which resignation she asserted was done of her own free will, and out of the presence of her hnsbaud, on the ground of the lands of Bynnis, being asked by the notary if she made the resignation of her own will, not compelled by her hnsbaud, she responded on her corporal oath that she was not compelled to it. On all which Sir John Lindissay craved instruments of the notary. Done on the ground of the lands of Bynnis, near the castle of Mauerstoun, 15th February 1440-41, in presence of Walter Martyn, James of Meldrum, son and heir of the laird of Bynnis, Walter of Murray, lord of Ogilface, Richard of Commiltoun, son and heir of the lord of that ilk, Alexander Tarbart of that ilk, and others, 229
13. Charter by John, Lord Lindesay of Byris, and baron of the barony of Dreme, granting to his well beloved kinsman John Elphinstoune, son of James of

Elphinstoune, son and apparent heir of Henry Elphinstoune of Pettindreith, for service done and to be done to the granter, all his lands of Pettindreith, in his barony of Dreame, and shire of Striueling; which formerly belonged to the said Henry heritably, and which he resigned by his procurator in the hands of Lord Lindesay at Edinburgh. To be held by John Elphinstoune and the heirs male of his body, whom failing, the lawful heirs male of the said Henry whomsoever, of the granter and his heirs, whom failing, to revert to the granter and his heirs, in fee and heritage, for rendering a common suit at the courts to be held at Dreame. Reserving the warrandice of the said lands of Pettindreith, to him and his heirs for seven husband-lands in the town and territory of Dreame, formerly exchanged by the foresaid Henry with the granter; and reserving also the frank-tenement of the said lands of Pettindreith to the said Henry Elphinstoune for all the time of his life. Dated at Edinburgh, 6th November 1477. Witnesses, James and Archibald Lindesay, sons of Lord Lindesay, John Dischintoune, son and apparent heir of John Dischintoune of Ardros, and others. A clause inserted at the end bears that the wards and reliefs are reserved to the granter and his heirs, after the decease of the said Henry, while the said John should not have come to lawful age, ..... 230

14. Charter by John, Lord Lindesay of Biris, and baron of the barony of Erth, granting to his well beloved kiusman, John Elphinstoune, son of James Elphinstoune, eldest son and apparent heir of Henry Elphinstoune of Pettindreith, for his service, done and to be done to the granter, all and sundry his lands of Erthbeg, in the barony of Erth, and shire of Striueling: which lands formerly belonged heritably to Henry Elphinstoune, and were resigned by him. To be held by John and the heirs male of his body, whom failing, the lawful heirs male of the said Henry whomsoever, of the granter and his heirs, in fee and heritage, whom failing, to revert to the granter and his heirs; for rendering a common suit at the courts of the barony of Erth, with wards, reliefs and marriages; reserving the frank-tenement to the said Henry for all the time of his life; and to the granter and his heirs the ward and relief after decease of the said Henry, while the said John was not come of age. At Edinburgh, 6th November 1477. Witnesses, as in preceding charter, ... 232

15. Letters of Legitimation by James (the Third), King of Scots, by which he

grants of his special favour to his well beloved clerk, Master William Elphinstoun, rector of Kirkmichael, master of arts and licentiate in decreets, the right of disposing freely for his whole life, whether sick or well, or at the time of his death, of all his lands, tenements and annual rents, wherever existing within the kingdom, and of all his goods, movable and immovable, spiritual and temporal, to any person or persons, notwithstanding the bastardy in which he was born; and to exercise all actions and freedoms, and enjoy dignities, offices and honours, as if he had been born of lawful marriage; and of the plenitude of royal majesty the king legitimates the said William Elphinstoun. Given under the great seal at Edinbwrgh, 25th June 1477, ..... 233

16. Confirmation by James (the Fourth), King of Scots, ratifying a charter of entail, which is ingrossed: Charter by John, Lord Lyndesay of Biris, and baron of the barony of Erth, by which he grants to an honourable man, John Elphinstoun of Pettindreith, for his good and thankful service in many ways given to the granter, the lands of Pettindreith, and all and whole the fourth part of the lands of Erthbeg, with a seventh part of another fourth part of the said lands, in his barony of Erth and shire of Strineling; which formerly belonged to John heritably, and were resigned in the granter's hands at Edinbwrgh. To be held by John Elphinstonn and the heirs male of his body, whom failing, by Alexander Elphinstonn, brother of John, and the heirs male of his body, whom failing, by Andrew Elphinstonn of Selmys, and the heirs male of his body, whom failing, to John Elphinstoun, citizen of Glasgow, and the heirs male of his body, whom all failing, to the nearest heirs male of the said John Elphinstonn, bearing the surname of Elphinstoun, whomsoever, from the granter, his heirs and assignees, of the King and his successors in fee and heritage, for rendering of service due and wont. Contains clause of warrandice, and is dated at Edinbwrgh, 21st December 1496. Witnesses, William, bishop of Aberdeen, Mr. Thomas Bailze, rector of Culter. The king's confirmation reserves the rights and services due before the present confirmation. At Edinbwrgh, 1st February 1496-7. Witnesses, William, bishop of Aberdeen, keeper of the privy seal, Archibald, Earl of Angus, chancellor, and others, ..... 235
17. Precept by John Elphinstoun of Pettindreith, to give seizin to his son Alexander Elphinstonn of all and whole his lands of Stirkfeild, with tenants and tenantries thereof, in the barony of Chalmerlain-Newton, and

shire of Selkirk. Dated at Edinburgh, 2nd October 1497. Witnesses,  
Andrew Elphinstoun of Selmys and others, ..... 237

18. Confirmation by James (the Fourth), King of Scots, ratifying a charter of entail, which is ingrossed : " Charter by John, Lord Simpill, granting to John Elphinstoun of Erth, the lands of Middilthrid of Cragrossy, which Adam Schaw held of the granter in wadset, and the superiority of that tenement of the said lands of Cragrossy, called the west side of Cragrossy, which John, Lord Ross, of Halkhede, held of the granter in fee heritably, lying in the town and territory of Cragrossy, stewardry of Strathern, and sheriffdom of Perth, for a certain sum of money paid to him by the said John Elphinstoun beforehand ; to be held by him and the heirs-male of his body, begotten or to be begotten ; whom failing, to Alexander Elphinstoun, his brother-german, and the heirs-male to be procreated of his body ; whom failing, to Andrew Elphinstoun of Selmys, and the heirs-male of his body, begotten or to be begotten ; whom failing, to John Elphinstonn, son of the uncle of the said John, and the heirs-male of his body, procreated or to be procreated ; whom all failing, to the lawful and nearest heirs-male whomsoever, bearing the surname and arms of Elphinstone." The charter is dated at Elphinstone, 12th August 1502. Witnesses, John Simpill in Corsfurd, Alan Simpill, William Mure, Alexander Levingstoun, Robert Calendare, David Henderson, and others. The confirmation, which annexes and unites the said lands of Myddilthrid of Cragrossy to the barony of Erth-Chalmerlane, is dated at Stirling, the 27th of August 1502, and is witnessed by James, archbishop of St. Andrews, William, bishop of Aberdeen, keeper of the Privy Seal, Archibald, Earl of Argyle, and many others, ..... 239
19. Charter by James (the Fourth), King of Scots, whereby he gives and grants to his beloved John Elphinstoun of Erth, knight, the lands and barony of Erthchawmyrlane, the lands of Pettindreich and the lands of Cragorth, lying in the shire of Stirling, which lands and barony formerly belonged to the said John heritably, and were resigned by him in the granter's hands at Edinburgh. And which whole lands and barony, with pertinents, etc., for the faithful and thankful service rendered by the said John, etc., the granter creates, unites, annexes, and incorporates into a free barony to be called the BARONY OF ELPHINSTOUN in all time coming ; also the house of Litill Erth, lying in the said barony of Erth-Chawmyrelane, to be the principal messuage of the barony of Elphinstonn, and to

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- bear the name of Elphingstonn for ever : The said lands and barony of Erth-Chawmyrlane and Pittendreich to be held by the foresaid John and his heirs-male whomsoever, and the said lands of Cragorth with their pertinents, in one free barony, of the granter and his successors in fee and heritage, for ever. The charter is dated at Edinburgh, 4th January 1503-4, and is witnessed by James, archbishop of St. Andrews, William, bishop of Aberdeen, keeper of the Privy Seal, Archibald, Earl of Argyle, Patrick, Earl of Bothwell, and many others..... 241
20. Charter by James (the Fourth), King of Scots, whereby he gives and grants to his well beloved Isobella Elphinstoun, unrse of his late dearest first-born son, James, Prince of Scotland and the Isles, the fermes of all and suudry his five merklands of Chapeltonn, during the tacks of the tenants now in them, and after the end of the tacks, the foresaid lands of Chapeltonn and fermes of the five merklands of Bouschaw and Dryrig, five merklands of Miltoun Crevauch, five merklands of Brummnlisheuch, five merklands in Blaklaw, and five merklands in Riddinhill and Holhons, extending yearly in the king's rental to £20 Scots, in the bailliary of Cunynghame and shire of Aire, for the whole life of the said Isobella. To be held by her for her life, with power to pnt new tenants in the lands of Chapeltonn, on expiry of the leases, etc. The king charges his controller, and auditors of his exchequer, to make allowance in the premises yearly, during the said Isobella's life. Given under the great seal, at Edinburgh, 9th March 1507-[8],..... 243
21. Patent by Queen Victoria to Johu, thirteenth Lord Elphinstone in the peerage of Scotlaud, Knight Grand Cross of the most honorable Order of the Bath, Governor of the Presidency of Bombay, creating him a peer of the United Kingdom with the title of Baron Elphinstone of Elphinstone in the county of Stirling, to him and his heirs-male ; and to have and hold a seat, place and voice in the parliaments and public assemblies of the nation. The patent is dated at Westminster, 21st May 1859, ... 244
22. Patent by Queen Victoria to William Buller Fullerton, fifteenth Lord Elphinstone in the peerage of Scotland, creatiug him a peer of the United Kingdom with the title of Baron Elphinstone of Elphinstone in the county of Haddington, to him aud his heirs-male ; and to have and hold a seat, place, and voice in the parliaments and public assemblies of the nation. The patent is dated at Westminster, 30th December 1885,... 246

## ABSTRACTS OF ELPHINSTONE CHARTERS NOT PRINTED.

1473-1638

23. Notarial Instrument on the resignation and quit-claim by John Ruthirfurde, son and heir of the late Andrew Ruthirfurde, burgess of Aberdeen, to William Meldrum, lord of Fyvie, of an annual rent of 40s. out of the lands of Watertoun, etc. 31st March 1473.<sup>1</sup>
24. Precept of Sasine by George, Lord Haliburton, in favour of James Scrymgeour, constable of Dundee, in an annual rent of 16 merks out of the lands of Haltoun and Balfour, in the barony of Abyrnite and shire of Perth. At Dundee, 4th November 1477.
25. Confirmation by John, abbot of Scone, of grants made by John Myrtone, canon of Dunkeld and prebendary of Forgundethny, to the sub-prior and convent of Scone, of an annual rent of eight merks from the lands of Gokhilmur, in the barony of Kynnard and shire of Perth, to be devoted to masses and the increase of church services. At Scone, 31st August 1481.
26. Notarial Instrument whereby Patrick Johnstoune, notary, declares before William Foullar, canon of Dunblane and commissary of Lothian, that he was abducted to Kyncauil, and there compelled by James Livingstone of Manerstone to make a false instrument of resignation of the lands of Plane, lying in the barony of Plane and shire of Streviling. At Edinburgh, 9th October 1487.
27. Indenture between John, abbot of Scone, and David Brws of Clakmannane, and lord of the barony of Rate, regarding a piece of land in Rait, in the shire of Perth. 24th January 1490-1.<sup>2</sup>
28. Precept of Sasine by Mariota Norwell, lady of Gargunno, in favour of John Elphinstoune of Pendrech, of the seventh part of the fourth part of the town and lands of Arthbeg, in the barony of Arth and shire of Stirling, in excambion for another seventh part in exchange. At Edinburgh, 19th March 1491-2.
29. Precept of Sasine by Walter Strang of Petcorthy, to James Wedderburne, burgess of Dundee, of the third part of the lands of Bawdowie [Baldovie], in the regality and lordship of Kirymur and shire of Forfar, as security for the terce

<sup>1</sup> This writ is fully described in No. 25 of the Official Report on Lord Elphinstone's Muniments, dated 14th March 1882, con-

tained in the Ninth Report of the Commissioners on Historical mss., Appendix, Part II., pp. 182-229.

<sup>2</sup> *Ibid.* No. 22.

or dowry of his lands of Lumlethin, in the same shire, belonging to Strang's mother, given by him to her. Ouchterhous, 15th May 1501. An indorsation bears that Sasine was given of the lands of "Bawduffe," 27th October 1501.

30. Precept of Sasine by King James the Fourth, to John Drumbrek of that ilk, of the lands of Drumbrek, in the barony of Kynnedward and shire of Aberdeen, proceeding on resignation of said John Drumbrek. At Perth, 2nd July 1503.
31. Appointment by King James the Fifth, of Sir William Elphinstone, canon of Aberdeen and prebendary of Clatt, to be tutor to Alexander, son of Alexander, Lord Elphinstone, as his nearest agnate. 28th November 1516.<sup>1</sup>

WRITS referring to QUEEN MARGARET TUDOR, widow of KING JAMES THE FOURTH, ARCHIBALD, EARL OF ANGUS, her second husband, and HENRY STEWART, created LORD METHVEN, her third husband. A.D. 1517-c. 1550.

32. Transumpt made in the Court of the Official of St. Andrews, in the archdeanry of Lothian, of a Letter of Obligation by Archibald Douglas, (sixth) Earl of Angus, Lord Douglas, etc., to his wife, Margaret, Queen of Scotland (widow of King James the Fourth), dated at Lamberton Kirk, 15th June [1517]. Transumpt made at St. Giles, 9th November 1518.<sup>2</sup>
33. Appointment by King James the Fifth, under the Great Seal, of Henry Stewart, his beloved familiar servitor, to be Director of Chancery for life. 3rd September 1524.<sup>3</sup>
34. Appointment by King James the Fifth, under the Great Seal, with consent of his mother, Queen Margaret, of Henry Stewart, Director of Chancery, to be Master of Artillery for all the days of his life. 17th December 1524.
35. Protestation by Henry, Lord of Methven, spouse of Queen Margaret, as lady of the conjunct fee of the lands and lordship of Methven, against a ratification by her, dated 8th August 1523, of a charter of alienation of the eighth part of the lands of Drumdewane. Done within the burgh of Perth, in the Queen's lodging there, 3rd December 1530.<sup>4</sup>
36. Appointment by King James the Fifth of James Ros of Kyppenros as attorney of Henry, Lord Methven, for one year. 20th October 1542.
37. Appointment by King James the Fifth, under the privy seal, of his beloved cousin

<sup>1</sup> Report on Lord Elphinstone's Muniments, No. 37.

<sup>2</sup> *Ibid.* No. 38.

<sup>3</sup> *Ibid.* No. 41.

<sup>4</sup> *Ibid.* No. 43.

Henry, Lord Methven, factor and procurator for all the possessions of the late John, Earl of Atholl. At Edinburgh, 19th November 1542.

38. Gift by Archibald, Earl of Angus, to Dame Jonet Stewart, Lady Methven, and Henry Stewart, Lord Methven, her son, of the marriage of Katherine Gorthy, daughter to the late Tristrahame Gorthy, and niece and heir to the late Katherine Arbuthnot, her "gudehame," who had held the lands of Brichtie and Densyde, in the regality of Kerymure, of the Earl by ward and relief. Signed, but not dated, c. 1550.<sup>1</sup>

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39. Discharge by Mary, Queen of Scots, with consent of James, Earl of Arran, Governor, to John, Lord Erskine, and Alexander, Lord Livingstone, for the safe keeping of Her Majesty when she was transported to the Isle of Inchmahome, soon after the battle of Pinkie, in the month of September 1547. Dated 20th July [1548], and signed by the governor, and other lords and bishops.<sup>2</sup>
40. Discharge by James, Earl of Mortoun, Regent, to the Earl of Huntly, for diamonds, rubies, and pearls set in gold, as therein described. Dated 7th August 1573. [Copy].<sup>3</sup>
41. Inventory of warlike munition, etc., in the castle of Stirling, as therein particularly described, and receipt given therefor by King James the Sixth and his council to John Bruce, captain of Stirling Castle. 30th November 1585.<sup>4</sup>
42. Acquittance by George Heriot, younger, goldsmith to the Queen, for £400 sterling of the first part "of the annuitie of England" received by Mr. James Semple of Beltrees. Dated at London, 20th February 1600.<sup>5</sup>
43. Precept by King James the Sixth for a remission under the Great Seal, to Alexander Elphinstone, son of Alexander, Master of Elphinstone, for being present at mass. 24th April 1601.<sup>6</sup>
44. Notarial Instrument formally asserting the possession by Alexander, Master of Elphinstone, of his father's robes of parliament. Dated 1st December 1637.<sup>7</sup>
45. Inventory of the personal effects, books and others belonging to the deceased Alexander, fourth Lord Elphinstone, taken at the place of Elphinstone before the sheriff-depute of Stirling. 16th February 1638.<sup>8</sup>

<sup>1</sup> Report on Lord Elphinstone's Muniments, No. 48.

<sup>2</sup> *Ibid.* No. 47.

<sup>3</sup> *Ibid.* No. 51.

<sup>4</sup> *Ibid.* No. 52.

<sup>5</sup> *Ibid.* No. 66.

<sup>6</sup> *Ibid.* No. 54.

<sup>7</sup> *Ibid.* No. 56.

<sup>8</sup> *Ibid.* No. 57.

TESTAMENTS and other MISCELLANEOUS PAPERS  
relating to the Family of ELPHINSTONE OF ELPHINSTONE  
and others.

1. TESTAMENT of MARION OGILVIE, LADY MELGUND. 30th January 1575.<sup>1</sup>

"THE Testament Testamentar and Inuentar of the gudis, geir, soumes of money and dettis pertening to vmquhile ane honorabill Lady Marioun Ogilvie, ladie Melgound, the tyme of her deceis, quha deceist in the moneth of Juuii the yeir of God j<sup>m</sup> v<sup>e</sup> lxxv yeiris, ffaithfullie maid and gevin vp be hir awne mouth as concernis the nominatioun and dettis awand be hir and partlie maid and ge[vin] vp be Dauid Betoun of Melgound concerning the Inuentar of hir gudis and dettis awand to hir, quhom scho nominat ane of [hir] executoris in hir latter will vnderwrittin, off the dait [at] Melgound the xxij day of Juuii the yeir of God fairsaid and [the] said Dauid onlie acceptar of the said office ; befor thir w[itnesses], Mr. James Balfoure, dene of Glasgw, Dauid Lyndesay apper[and] of Vane, Dauid Grundestoun, Richart Craik, William Henry [vicar] of Auld Bar and Johne Lyndesay notar publict with vtheris diuers."

"In the first the said vmquhile Marioun had the gudis geir soumes of money and dettis of the avale and prices efter followiug pertening to hir as hir awne proper gudis and geir the tyme of hir deceis fairsaid viz., vpou the toun and landis of Chapelstoun xiiij oxin, price of the pece ourheid vj li., summa lxxxiiij li. Item mair xiiij heid of young cattale, price of the pece ourheid liij s. iiij d., summa xxxvij li. vj s. viij d. Item lv gymmer and dynmont, price of the pece ourheid viij s. Summa xxij li." [5 score and ten lambs ; sown on the ground of Chapelstoun, xxxvj bollis aittis estimat to the thrid corne ;] to 5 score eight bolls "aittis" "price of the boll with the fodder xxij s. Summa j<sup>e</sup> xxix li. xij s."

"Item vpoun the touu and landis of Brintoun of Athie xiiij oxin," etc.

"Item ten bollis quheit sawing estimat to the ferd corne," etc.

"Item upon the Mains of Melgound xxxiiij drawand oxin price of the pece ourheid vj li. Summa ij<sup>e</sup> iiij li. ; 4 young cattle of two year old ; xv ky and ane bull," etc.

"Item in pois the soume of ane thousand pundis, Item in vtencilis and domicilis estimat to the soum of aue hundreth puudis."

"Summa of the Inuentar ij<sup>m</sup> ij<sup>e</sup> lxxx li. xv s. iiij d."

"Followis the dettis awand to the deid."

By William Lyell in Innerpeffer for the rest of price of sheep coft and received by him xii li. iiij s. iiij d.

<sup>1</sup> Edinburgh Commissariat, Testaments, vol. 3. Marioun Ogilvie, Penultimo Januarii 1575.

"Item be Alexander Guthrie of that ilk conforme to his obligatioun xx li. Item be Patrik Gardin of that ilk xxj crownis of the sone, price of the pece ourheid xxxvij s. Summa xxix li. xvij s. Item mair be him xxx li. money. Item be the said Patrikis wyf vpoun hir obligatioun thrie scoir ten pund ;" by David Ogilvy of Glenylay "of borrowit money fourtie pund."

Mr. Archibald Lyndesay parson of Kingask of borrowed money 40 pounds ; John Spaldene in Balmukatie £13, 6d. 8d. ; by the executors of umquhile "Robert Crawmont fear of Auld Bar tua hundreth and tuentie sex merkis," etc.

By George Crawmout as cautioner for James Crawmont of Auld Bar of lent money xxiiij li. and a boll of meal ; "by David Gardin eldar of Leis £66, 13s. 4d.," etc.

By James Guthrie in Petkanatie "for 9 bolls 2 firlots bear xxx li.," etc.

David Ogilvy of Glenylay £66, 13s. 4d.

"Item be Robert Betoun of Westhall conforme to his obligation sex pundis xij s. iiij d."

James Fairwedder in Casgowny £8, 14s.

"Summa of the dettis awand to the deid viij<sup>c</sup> xij li. iiij s. iiij d."

"Summa of the Inuentar with the dettis iiij<sup>m</sup> lxxxij li. xix s. viij d."

"Followis the dettis awand be the deid."

"Item thair wes awand be the said vmquhyle Marioun to John Ogilvy in Kynordie conforme to ane contract of mariage foure huudreth pundis ;" John Dempstar, litster in Brechin £20 ; the chaplain of the chaplainry of Chapeltoun for two years annual out of lands of Chapeltoun 16 merks ; Mr. James Hering provost of Methven for the teind sheaves of the barony of Melgound "in auno Lxxij, xxij li. ;" "to Sir John Richie in Edr. xxij li. vij s. ij d. conforme to his compt." "Item to the munkis of the con[vent] of Abirbrothok for the rest of the commoun vittales of Kirkton sex [pundis]."

To Robert Smith, cook, for his fee £3, 6s. 8d.

Alexander Symson, fee and bounteth for a year and a half £4, 2s. 6d.

To Thomas Lyne "forman in the place for his fie five li. vj s. viij d."

To the Abbot of Dunfermlin for his teinds of the Chapeltoun "anno lxiiij years, 12 bolls victual half mele half beir."

To the Abbey of Arbroath for the fermes of the Brintoun of Athie for year lxx, 18 bolls wheat and 11 bolls beer and 10 bolls meal = £85, 6s. 8d.

To the Provost of Methven for the teind sheaves of the half lands of the barony of Melgound for year Lxxv, £22.

"Summa of the dettis awand be the deid vj<sup>c</sup> xxxvj li. iiij s."

"Restis of frie geir the dettis deducit iiij<sup>m</sup> iiij<sup>c</sup> lvj li. xvj s. viij d.

Na diuisioun."

The quot is composit for vj<sup>xx</sup> li."

“ Followis the deidis Legacie and Latter Will :—

And I the said Marioun Ogilvy seik in bodie and hail in mynd makis my legacie in maner following, In the first I leve my saule to God omnipotent, my body to be bureit in the Ile of the paroch kirk of Kennell quhair my predecessouris lyis, and in the day of my sepultour to be gevin to the pure tuentie pundis and tua bollis mele Item I mak, constitutis, and nominatis Dauid Betoun of Melgound and Maister Alexander Betoun archidene of Louthiane my sones my executoures and referris the Inuentar of my gudis geir and dettis to be gevin vp be thame etc. Item I leve to Jonet Ogilvy my cousigne fourtie pundis Item to Isobell Greg for hir lang service tuentie merkis Item to Katherine Bell ten merkis Item to Willie Haghous to put him to ane craft ten merkis Item to Willie Henry vicar of Auldbare ten merks, my gown and doubleit Item to Helene Ewart fourtie schillingis Item to Jonet Haghous thrie pund vj s. viij d. Item to Alexander Melvynnis barnis xxvj li. xij s. iij d. Item the residew and remanent of all and hail my gudis and geir being vpoun the landis of Brintoun, of Athie, and Chapelton to be equalie deuidit betuix my sones Dauid Betoun of Melgound and Mr. Alexander Betoun archidene of Louthiane and the gudis and geir being vpoun my said Manis of Melgound with the plenesing of my place of the saim Manis pertening thairto to remain with the said Dauid my sone and ane demiscioun to be maid thairupoun and makis and constitutis the saidis Dauid and Mr. Alexander my onlie executouris and intromettouris with my gudis and geir in maner aboue specifit And all vther my dettis awand me to intromet and vptak and to pay my dettis quhatsumeuir awand be me to ony personis quhatsumeuir and to follow and persew James Scrymgiour of Glaswell and his airis for the soume of twa hundreth merkis quhilk pertenis to Isobell Auchinbouy and makis and constitutis Mr. James Balfour dene of Glasgw ourman in this my testament and latter mynd to se that my legacie be fulfillit as thay and ilk ane of thame will ansuer afoir the eternall God at the extreme day of jugement. Befoir thir witness, Mr. James Balfour dene of Glasgw, Dauid Lyndesay apperand of Vane, Dauid Grundestoun, Richart Craik, William Henry vicar of Auld Bar . . . [dim and torn] [n]otar publict. Sic subscribitur : Ita est Johannes Lyndesay notarius in premissis manu propria

We Robert Maitland etc. confirm and give intromission with goods to said David Betoun of Melgound, one of the executors above named and only accepting “because the said Mr. Alexander being the vther executour aboue writtin” being summoned by the Commissary to compear, to be secluded from the said office on failure : not compearing he was secluded, and the said David only confirmed who was sworn and made faith.

An eik was made 5 June 1576.

Robert Maitland confirms the said David Betoun of Melgound as executor to the said late Marioun in and to debts owing to her the time of her decease.

Another eik 22 May 1577 ; small "fermes."

Another Eik at Edinburgh 25 October 1576

For a debt owing her at her death by Patrick Gardin of that ilk—giving the said David power to call for and uptake the same.

2. TESTAMENT OF GEORGE ELPHINSTONE OF BLYTHESWOOD, Bailie of the Burgh of Glasgow, in which he calls Alexander, Master of Elphiustone, his chief. 23rd May 1587.<sup>1</sup>

"THE Testameut Testementar and Iuveutar of the gudis, geir, soumes of money and dettis pertenying to vmquhill ane rycht honorabill man, George Elphingstoun of Blythiswod and baillie of the burgh of Glasgow the tyme of his deceis: Quha deceissit vpoun the second day of Aprile the yeir of God J<sup>m</sup> v<sup>c</sup> lxxxv yeiris ffaithfullie maid and gevin vp be himself and subscriuit with his hand vpoun the saxt day of Marche the yeir of God J<sup>m</sup> v<sup>c</sup> lxxxiiij yeiris befor thir wituess, Thomas Broun burges of Irwing, Mr. Peter Kinloch seruitour to Robert Scott directar of our Souerane Lordis chancellarie, Mr. Robert Craufurd persone of Eglishame, James Andersoun burges of Glasgow and officiar of the said burgh, Alexander Hamiltoun, doctour of medicine, with vtheris diuers."

Had a quarter and the third of half a quarter "of the gudeschip callit the George of Glasgow," sold for 603 li. vj s. viij d., laid in thairon of the defunct's goods to pass to France five lasts of herring ; "pack of claith in her etc.:" Half of the bark called the William of Glasgow, sold for 284 lib. with goods in her also for France, etc. horse with saddle: "In the buith at hame in Glasgow xxx bollis of greit salt sauld for xxxv s. the boll. Summa lij li. x s. ; reddy money 600 li. ; silver work etc."

Summa — ij<sup>m</sup> ix<sup>c</sup> xxj li. xvij s. ij d.

Owing to him—by Sir James Maxwell of Calderwood knight xxv merkis.

Nicol Ramsay brother to the laird of Cokpen of lent money xx li.

John M'Nair of the Ferry Boit of Govand x li. "Item awiu be William Scott gude brother to the defunct of lent money the soume of xx li." etc."

Debts owing be the dead—[various].

<sup>1</sup> Commissariot of Edinburgh, vol. 17. Testaments. George Elphinstone, 23rd May 1587.

Legacy made 6<sup>th</sup> March 1584—Marioun Scott his spouse, George Elphinstoun, his eldest son, and Thomas Broun, burgess of Irving, his executors “And Alexander Master of Elphiugstoun my chief, and Robert Scott writter directar of the Chancellarie oursmen to oursie and defend my bairnes to sie that my will be put in executioun in all pointis.”

He enumerates his ready money, silver dishes, etc. “Ane jak of steill, twa steill bonnettis, ane pair of maillie slewis, ane pair of plait sleevis, ane hagbut, tua pistollis with thair furnitouris,” etc.

“To Margaret my dochter eldest fyve hundreth merkis Item to Geillis, my vther dochter fyve hundreth merkis Item to Gawin my youngest sone four hundreth merkis Item alsua I leif to Johne Elphingstoun my fyift sone j<sup>c</sup> lib. and I leif the cheinyie of gold maid to my wyf that scho haif the vse thair of during hir lyftyme,” and after her decease to Margaret his daughter, failing whom to Geillis, his younger daughter. The rest of his fermes untaken up and wheat and beer in the barn are left to his wife to “hauld the hous vpoun.”

To Martha Elphingstoun, his brother's daughter x lib. [various legacies].

He ordains his sons “airschipe” to be set to the avail and the money to be “laid vpouu land” to his weal and utility : the overplus of his goods etc. to be divided amongst his bairns *pro rata*.

Robert Scott, director of Chancery, Mr. William Scott his gudeson, Thomas Broun, burgess of Glasgow, and Niniau Anderson in Wodsyde tutors testamantar to his bairnes, nothing to be done but by consent of the first two. “Attour I leif the defence and protectioun of my haill bairnes and wyf and specialie my eldest sone to Hew Master of Eglintoun cheif to thame vpoun the moderis syd, Alexander Master of Elphingstoun cheif to thame on my syde, and desyris thame to defend thame and all thair honest, lesun, and just caussis and als to gif thame counsell in all thair honest lesun effaires, as I wes ay reddie during my tyme to serue thame treulie to my lyffis end as become me of my dewtie. Witnesses Thomas Broun burgess in Irvine, Mr. Piter Kinloch seruitor to Robert Scott director of Chancery, Mr. Archibald Craufurd parson of Eglisam, Alexander Hamilton, doctor of medicine,” etc. The price of his best horse he had sold to Peter Kinloch to be divided among his wife and bairns.

Mr. John Preston confirms the Testament, and ratifies Marion Scott's appointment as executrix.

### 3. TESTAMENT OF JAMES, FIRST LORD BALMERINO, 27th April 1612.<sup>1</sup>

At Balmerinloch, the 27 of Apryll 1612.

SEANCE it hes pleased God of his infinit mercy to draue me out of these trublis,

<sup>1</sup> Contemporary copy in Elphinstone charter-chest.

whairin I was involwed, and giuin me laser to signifie to these that sall leif after me my will anent my affairis, I haif in thir fev lynes set wnder my awin hande my latter will and testament as folloues.

First, I committ my saull to Goddis eternell mercy, to enjoy that immortell inheritance conquest to me by the merit and pretious blood of my blesed redeimer, Christ Jesus: my bodie to be buried, whair and in what forme thay think meast convenient, to whom the chairge of my bairns and affaires ar heirefter committed.

As my eldest sone by God and nature is my wniuersell air, and so is to beir the burding of my debtes, it is my will that my Lord of Meidhope, who is in the right of my haill estate, provyde him to my heall lands, rents, and whatsumeuer I haif or had within Scotland, except only the Lordschipe of Coupar, whilk with all the commodities of it, stok and teind, I appoint to remaine with my second sone, James, frie of all burding except onlic the woodseats, whilk ar wpon the teinds of it.

And becaus my eldest sone is neir his perfyt aige and so the mair capable to wndergo the burding of my dettis, I nominat him my only executour and intromettour with my haill goods and geir, houses, rouses, plenishine, utensile and domicile, to resaif what euer soumis ar addettit to me, and to releif my freinds and cautioners of all my dettis except only the wedsettis that lyes wpon the teinds of Couper, whilk I ordaine my second sone to releif.

As to my thrie dochters, I ordane my eldest sone of the reddiest of my executrie to gif to my eldest dochter, Margaret, ten thousand lib., ilk ane of my wther tua dochters, Barbara and Marjory, ten thousand marks, thair principall soumes efter thair perfyt age of 14 yeirs, and so lang as thay ar withine that age, Margaret to haif fyue hundreth lib. and the wther tua euerie ane of tham fyue hundreth marks to thair education.

And becaus my sones ar both past tutory, it is my will that in thair meane affaires and handiling of thair rents my eldest sone continou Patrik Sterling in his intromission withine Lothiane, and Johne Pilmer in Fyife and Angus, my second sone continou James Drummond in his chalmerlanrie of Coupar. That the affaires of Lothiane be overseine be my Lord of Kildrinnie and Medope; in Fyif and Angus, be Patrik Pitcairne of Pitlaur, James Durraham of Pitcarro, and Mr. Alexander Wedderburne, clerk of Dundie.

If my broder, Johne Elphinston, cum in the cuntrey, it is my will thay adwys thair affaires, and do tham all by him as thair fader and principall doar in all turnes.

I recommend to my eldest sone the cair of his broder, whill he be of age and discretion to cair for him self; and than to keip broderly loue and deuty to other. I recommend to him lykwayes his sisters, that he be cairfull to sie them wertheuslie brocht wp, keip tham togidder, and Isobell Yung to haif the chairge of tham, and that

she haue for the renaird of her service ane thonsand lib. to help her to ane good fortune and the profit of it yeirly to wphald her.

I appoint tham to be maried be my Lord Elphiuston, my Lord Kildrymmie and my Lord Medopis, my broder Johns adwyser, with the help and concurrence of thes my trustie freinds, whom I haue willit him to follow the adwys of in the handling of his affaires. And if any of tham abnse tham selfs in harlottrie, whilk God forbid, or mak chois of a mache to tham selfs other nor my freinds aboue nominat, or the thrie priucipalls of tham agreis wnto, it is my will that the provision of thair tocher be retrenched according to his estate whom they chuse ; for as the law giues tham libertie iu thair mariage, whilk I will not haif thair broder to restraine, so I will nocht burding him to giue tham any more tocher nor after the custnm of the cuntrey may ausuear to the conjuuctfie thay ar by thair mariage to resaiife.

I ordaine my tua yuugest dochters to be brocht wp with the rest, and that ilk ane of thame get a thousaud marks to helpe tham. And if my eldest sone find tham worthie or appeirance to do him no dishonour, that he cair for tham, for my sake and help tham to better fortunnes efter his pouer. As to my servands, sa many of tham as hes seruit me lang, it is my will he keip tham still, and iu his awin discretion recom-pens tham ; and becaus I haif owercharged him with many soumes, that he rather staik tham in soum rounmes wnder him self whair he may but his hurt, nor pnt tham away with any meane sowme.

I thiuk meit that James, my second sone, giue James Drummond the feu of the Boghall and aikers belonging to it wpon easie conditions ; and lat the custums of the markets of Couper be put to the awaill and comptit in his rentall, for he will find the said James a werie profitable serwand and a gentilman worth a better reuaird.

That my eldest sone alter no thing of that whilk I haif done to James Durrhame anent the miles of Balmossie, for he hes deseruit a better reuaird at my hand ; that he keip that whilk I haif done to Mr. Alexander Wedderburne, clerk of Dundie, anent his teinds at Kingainzie, for he hes bein mair worth to me, and will proue to him worth a better recompence.

I ordaine baith my sones to keip frindschip and steadfast loue with the Lairds Kinnaird, Carnegie, Pitcur and Dudope, as theas wha euer hes bein my speciall freinds iu Angus, and if freinds can find meit makes with tham ather of my sones or dochters to imbraice tham before gritter parties.

Continou Mr. William Fergusson in his pension and wse him in his calling or other yonr adoes as a wyse houest man.

Albeit the lands of Balumbie hes bein costliar to me nor thay ar of worth, and thair is lytill or no securitie can be had of thair miserable posteritie ; yit I ordaine my eldest sone for thair blissing and approbation of his rights, and sik securitie as his

freinds can dewys bot thair wrak to giue fyue thousand marks to be distribute among theas bairus be the Laird of Cullerny, the Laird of Bogie and Mr. John Carmichel, miuesters, adwys. Aneut the teinds of Barry, if John Forrester wilbe content at the Laird of Kynnaird, Mr. Johue Ramsay, archden of Dunkell, and James Durrhames adwys, to releif the abbot of warrandice, and renunce any clame he may mak heirefter to theas teinds, I ordaine my sone to giue him tuay thousand marks. And the abbot to haif no benefitt except he dischairge the obligation of vj<sup>c</sup> marks, whilk he hes of John Forresters fader. Sic subscribitur.

J. BALMERINO<sup>t</sup>.

Indorsed : Copie of the Lord Balmerinochs Testament.

#### 4. TESTAMENT OF JOHN ELPHINSTONE OF BABERTON. 27th May 1616.<sup>1</sup>

THE Testament Dative and Inventarie of the guidis, geir, and dettis of vmquhill Johnne Elphingstoun, sumtyme of Balbertouu, withiu the parochin of Currie and sherefdom of Edinburgh, the tyme of his deceis, quha deceissit iutestat iu the moneth of October 1614 yeiris, flaythfullie maid and gevin vp be James Carstaris in Sanct-androis, executour datue surrogat to him iu place of Mr. William Wemys, procuratour fiscal : Be decret of the commissar of Sanctandrois the xxvij day of Marche 1616.

In the first the said executour declaris that he knawis of ua guidis, geir, nor sowmes of money perteniug to the said vmquhill Johu the tyme of his deceis foirsaid except the debtis eftir specifeit, addettit and awand to him be the persoues withiu mentionat within the parochin of Lewcharis and diocie of Sanctaudrois, viz., be Petir Hay of Mortouu thrie bollis meill as just half of sex bollis meill of the crop 1614, price of the boll v lib. vj s. viij d., summa xvj lib. Item be Andro Imrie in Fordell, tua bollis aittis, and be John Murdo thair sex bollis aittis of the said crop, price of the boll v lib., summa xv lib. Item be Dauid Nairn, younger of Saudfuir, and John Hendersone in Quheit Croft, equalie tua furlottis, tua pekis meill and ane boll, tua furlottis aittis of the said crop, price of the boll meill v lib. vj s. viij d. ; price of the boll aittis, v lib. ; summa, x lib. xvj s. viij d. Item be Alexander Hendersoue iu Rind, Thomas Duncan thair, John Ferrie thair, William Park thair, and Dauid Lauthiau thair, sex bollis, ane furlott, tua pekis meill and fyve bollis, tua furlottis aittis of the crop foirsaid, price of the boll meill, v lib. vj s. viij d., and price of the boll aittis, v lib., summa, lxx lib. x s. Item be Dauid Leitche of Mousis Miln, thrie bollis aittis of the crop foirsaid, price of the boll, v lib., summa, xv lib. Item be Alexander Hendersone in Ardet, fyve bollis aittis of the crop foirsaid, price of the boll, v lib., summa, xxv lib. Item be

Saith in Bamullo, aue boll aittis of the said crop, price v lib. Item

<sup>1</sup> Testamentum Dativum Elphingstoun, Commissariot of St. Andrews, Testaments, vol. vi.

be James and Johnne Craig in Garpot, four bollis meill yeirlye during the yeiris of God 1609, 1610, 1611, 1612, 1613 yeiris, and tua bollis meill of the crop 1614, price of the boll of the crop 1609, iiij lib. ; price of the boll of the crop 1610, v lib. vj s. viij d. ; price of the boll of the crop 1611, v lib. vj s. viij d. ; price of the boll of the crop 1612, vij lib. ; price of the boll of the crop 1613, v lib. ; and price of the boll of the crop 1614, v lib. vj s. viij d. ; summa, j<sup>c</sup>xiiij lib. vj s. viij d.

Summa of the dettis, ij<sup>c</sup>lxxxvj lib. xiiij s. iiij d.

Quhair of na divisioun.

Qnot be compositioun, xj lib. xv s.

This present inventarie abovewritten together with the executour thairin constitut is confirmat vpoun the xxvij day of Maij 1616, the said executour maid fayth, etc., and Mr. Robert Auchtmowtie of Demenche is becum caution.

5. PETITION OF HENRY ELPHINSTONE, Esquire, to King Charles the First, 3rd July 1637. This Henry Elphinstone was the son of William Elphinstone, sheriff of Orkney, a younger son of Robert, third Lord Elphinstone. Requesting compensation for pension of his father, which had been transferred to the See of Orkney.<sup>1</sup>

To the Kings most excellent Majestie, the humble petition of  
Henry Elphinstoun, Esquire.

IN all humilitie sheweth, that your Majisties petitioners father having faithfullie served your Majesties father, of glorious memory, many yeeres, his Majestie was graciously pleased in consideration thereof to grant in liewe of recompence unto your petitioners father, the whole superplus of the thirds of benefices within the bounds of Orkney unassigned to the ministry ; and after his decease, his Majestie of ever blessed memory, did continew the foresaid pension unto your petitioner during his life, and did ratifie the same in parliament.

But so it is that his late Majestie out of his pious disposition to benefite the bishoprick of Orkney by transaction did transference 23 yeeres agoe the said pension unto that see, by which your petitioner hath beene preiudged ever since a 1000 lib. per annum.

Your Majisties petitioners most humble suite therefore is, that your sacred

<sup>1</sup> Original in Elphinstone charter-chest. William Elphinstone, sheriff of Orkney, and younger son of Robert, third Lord Elphinstone, is quite different from a number of other Elphinstones who are traced in Orkney

in the sixteenth century. Several of these appear to be of anonymous if not illegitimate descent and have no connection whatever with the two baronial houses of Lords Elphinstone and Lords Balmerino.

Majestie will be grationslie pleased to give order unto the Lord High Thesaurer of Scotland to give him such satisfaction as shalbe reasonable.

And as in duetie bound your petitioner shall ever pray for your Majesties long and prosperous raigne over us.

Greenwich, 3 Julii 1637.

His Majestie is grationslie pleased that the right honorable the lord treasnrer of Scotland examine the estate of the petitioners demands, and what hath been done therein heretofore, and either to tak a course for his satisfaccion in such manner as his lordship shall find reasonable, or to make report unto his Majestie.

STERLINE.

6. TESTAMENT OF WILLIAM DRUMMOND of Hawthornden, the poet, 22nd July 1653.<sup>1</sup>

THE Testament Testamentar and Inventar of the guidis, geir, sowmes of money and debtis pertaining to vmquhill Mr. William Dromond of Haththornden the tyme of his decies : Quha deciest in the moneth of the yier of God 16 yeiris faithfullie maid and givin vpe be him self vpoun the first day of September 1643 yeiris in sua far as concernes the nominatione of his executouris legacies and tutoris : And givin vpe be Elizabeth Dromond, daughter lanfull to the said defunct, in sua far as concernes the hail Inventar of his guidis, geir, and debtis auchtand to him, qnhom he nominat his only execentrix in his latter will vnderwrittin, as the samyn of the dait forsaid all writtin and snbscribit with his hand in it self at mair length beirs.

In the first the said vmquhill Mr. William Dromond hade the gnidis, geir, sowmes of money and debtis of the avallis aud quantities eftir following pertaining and adebtit to him the tyme of his decies foresaid, viz., Imprimis the vtencillis and domiciellis of his duelling house with the abuilzeamentis of his bodie by the aireschipe estimat to the sowme of thriescore sex pundis threttein s. four pennyes.

Summa of the Inuentar, lxxvj lib. xiiij s. iiij d.

Followis the debtis awand to the dead—Item ther was auchtand to the said vmquhill Mr. William Dromond be the Laidy of Ayton and hir cautioners the sowm of iiij<sup>cc</sup> merkis be Johne Murray smntyme in the Mayns of Hawthornden and now in East Maynes the sowme of ij<sup>c</sup> l lib. Item mair be the said Johne for his ferme of the half of Hawthornden the crope and yeir of God xx bollis meill x bollis bear and ij bollis oatis, price of the boll ourheid fyve lib, inde j<sup>c</sup> lx lib. Item be the airis executouris and intrometoris with the gnidis and geir of vmquhill William Quhyt in Kingfeild as remander of the dewtie of the saids landis crope and yeir of God 1648 and 1649

<sup>1</sup> Commissariot of Edinburgh, Testaments, vol. 67, Mr. Wm. Dromond, 22 of July 1653.

yeiris the sowme of founscore ix lib. eight shillings vj d., be Jeane Bruce, Ladie Maitland, for ane termes maill of ane duelling house in Linlithgow xxvij lib., be Hectonr Douglass in Lintonu for his bygane maill of the saidis landis of Whytfield xxiiij libs., be Wm. Symson in Lintonn for his byrune meallis of the saidis laudis of Whytfield xvij lib., be Richard Johnstoun in Sliperfield for his bygane maillis of the saids lands of Slipperfield cropes 1647 and 1648 the sowme of ane hundreth pndis, be Flores Grahame relict of vnmqnhill William Watson in Slipperfield and Ir<sup>ver</sup> with his guidis and geir the sowm of ij<sup>c</sup> libs., be James Logane of Montlowthian the sowme of v<sup>c</sup> merkis.

Snmma of the debtis awiu to the dead, iij<sup>ai</sup> viij<sup>c</sup> lxix lib. 6<sup>gd</sup>.

Snmma of the Inventar with the debtis, iij<sup>ai</sup> ix<sup>c</sup> xxxvj lib.

To be devydit iu 3 partis, deadis partis, j<sup>aj</sup> iij<sup>c</sup> xij lib.

Followis the Deadis Legacie and Lattre Will.

In the name of the Father, the Sone and the Holy Ghost. At Edinburgh, the j day of September the yeir of God j<sup>m</sup> vj<sup>c</sup> xliij yeirs, I Mr. Wm. Dromond of Hawthoruden being in health both of body and sawll (praised be God) considdering the necessatie of death to all men at all tymes, bot especiallie pondering the dangeris not only immiuent to particular persones, bot to the whole body of the realme and state in the present yeir of God, have as followis disposed of my effaires, and sett doun this my last will quhich I wold have performed eftir my death—I leive executrix to my movabillis my eldest launfll daughter Elizabeth Dromond, I leive tntrix to my eldest sone William, and to the rest of hir children, Elizabeth Logane, my wyfe, so long as shoe conteinuowis in hir wididowheid, and remaineth vnmried, and ad[r]les agendas I conjoyne with hir my weil beloved kiudsmen and freindis John Stirling of Barney, commissar of Weigtonn, and Mr. Richard Maitlaud. Aud if God sall remove him from those transitorie cairs, I leive in his place his brother, Mr. James Maitland. An give it sall hapin the said Elizabeth Logane to marie or depairt this lyfe in the nonag of hir children, then I leive the iutelage [*sic* for tutelage] and educatione of my children to the richt honorable elder Lord Dromond, George, laird of Graigmiller, Wm. Dromond, laird of Riccartoun, and Johne Stirling of Birnay, commissar of Wightoun; or giffe non of those will attend so meane a dewty (quhich I hope they will not refuis) I give them full power to make choyse of any of my sisteris sones or my wyffes brother as their discretion sall permit most expedient, to appoynt and constitute in that charge, so that they alwayes make their compt and reckoning to thame, or ony tua of thame. My debtis are not worthie the settiug doun in this paper, and are to be fund in ane other paper subscrit be me. Mr. James Raith of Edmistoun oweth me four thousand merkis, of quhich I hane his band, and his sones, off quiche sowme I desyre one thousand pndd therof to [be] givin to my second sone Robert and ane vther

j<sup>ad</sup> lib. to my thrid sone James. James Logane of Montlowthiane owis me v<sup>e</sup> merkis quhiche with my movabellis will make vpe a portione for my eldest daughter. Quhat I have bestowit vpone my naturall children belongis to my aier to pay, quhiche I pray may be cheirfullie and dewlie permitit. My saull I leave to my Redemer Jesus Christ by whose meritis and satisfaction I hope ously to be saved. I desyre my bodie to be buried within xxiiij houris eftir my departour, quhen it sall pleis my narrest aquentaunce, familiaris, or freindis to apoyut. Writtin and subseribit the place, day and yeir forsaid by me. Thus subseribit W<sup>M</sup>. DROMOND of Hawthornden.

Collonell Leonard Lidcot, etc., ratifies and approves and gives and commits, etc. James Lowgaue of Montlowthian becomes cautioner as ane act maid theranent beirs.

7. RECEIPT FOR STIPEND from the Teinds of Craigforthe, by Mr. JAMES GUTHRIE, Minister of Stirling, the Martyr, 30th June 1660.<sup>1</sup>

I, MR. JAMES GUTHRIE, minister of Stirliue, grants the resait of Fiftie lib Scots money from Andro Laurie, one of the tenants in Craigforthe, as paiment of three termes of that proportionne of locall teiud duetie due to the minister of Sterline out of the lands of Craigforthe—to wit, the terme of Whitsonday 1659 for the crope 1658, the terme of Martimas 1659, and the terme of Whitsunday 1660 for the crope 1659 : And therfor doth by this my ticket uuder my hand discharge the said Andro Laurie and all others having interest in the teinds of Craigforthe of these three termes duetie for the forsaid crops, and of all other crops and years preceding the same since my enterie to the ministerie at Sterline. Subscribed at Sterline the 30 day of June 1660.

MR. JAMES GUTHRIE.

Indorsed : Discharge, Mr. James Guthrie, 30 Junii 1660. Booked.

8. INVENTORY OF THE PICTURES at the House of Fetteresso belonging to MARY, COUNTESS OF MARISCHAL, wife of WILLIAM, NINTH EARL MARISCHAL, and eldest daughter of JAMES, FOURTH EARL OF PERTH, Lord High Chancellor of Scotland. c. 1720.<sup>2</sup>

INVINTARIE of the Pictars belonging to my Ladie Marishall that are to be exposed to seall.

S <sup>r</sup> Georg McKinzie's Pictar valued at	.	.	.	S <sup>t</sup> <sup>r</sup>	£1	1	0
Cristiana, Quean of Sueaden	at	.	.	.		1	10 0

<sup>1</sup> Original in Elphinstone charter-chest, holograph of Mr. Guthrie.

<sup>2</sup> Contemporary Copy in Elphinstone charter-chest.

Cardinal Ritchlew	at	.	.	.	.	£0 10 0
The Czar	at	.	.	.	.	1 0 0
My Ladie Keithness	at	.	.	.	.	1 0 0
A pictur marked, anno 1630, etatis 20, ualued at		.	.	.	.	1 10 0
Ane other pictar, marked 4, ualued at		.	.	.	.	0 10 0
Earl of Mortin and his Roabs	at	.	.	.	.	1 0 0
Georg, Marquis of Huntlie,	at	.	.	.	.	1 10 0
Earl of Buchan	at	.	.	.	.	1 0 0
Mr. Robert Askin, sone to the Earle of Mair, at		.	.	.	.	10 10 0
My Lord Rothis	at	.	.	.	.	2 2 0
My Lord Drumfarling	at	.	.	.	.	1 10 0
My Lord Drumfarling's sone Allexander at		.	.	.	.	0 10 0
My Ladie Askin	at	.	.	.	.	1 1 0
Marquis of Argill	at	.	.	.	.	1 0 0
Earl of Mortin, grandsone to the formar, at		.	.	.	.	1 10 0
My Lord and Countis of Kinghorn, at tuo ginies each, is in all		.	.	.	.	4 4 0
My Lord and Ladie Binnie, at tuintie shillings each, is in all		.	.	.	.	2 0 0
Earl and Countis of Mair, at tuo ginies each, is in all		.	.	.	.	4 4 0
Duke of Hamiltun	at	.	.	.	.	0 10 0
Duchis of Hameltun	at	.	.	.	.	1 10 0
Duchis of Richmont	at	.	.	.	.	2 2 0
King Charels the Second	at	.	.	.	.	0 10 0
A pictur marked 3	at	.	.	.	.	1 1 0
Earl of Mideltun	at	.	.	.	.	1 1 0
Gustavis Agustis, King of Suedin,		.	.	.	.	1 10 0
A pictur of a Lady, marked <i>ano</i> 1634, at		.	.	.	.	1 1 0
Ladie Isibell Keith, Ladie Turnar, at		.	.	.	.	1 1 0
My Ladie Banf		.	.	.	.	1 1 0
Ladie Jean Keith's picture being spoiled		.	.	.	.	0 5 0
King Charils the Second when he was old		.	.	.	.	1 0 0
Qwien Ketron of Ingland	at	.	.	.	.	0 10 0
Leopoldd Impiror		.	.	.	.	0 5 0
A small pictur done in wood marked X at		.	.	.	.	2 2 0
A pictur of a Ladie, marked 6,	at	.	.	.	.	1 0 0
A pictur marked 8	at	.	.	.	.	1 10 0
Ladie Ann Douglas, Countis Marishall at		.	.	.	.	5 5 0
Countie Pembroke	at	.	.	.	.	5 5 0
My Ladie Kinull	at	.	.	.	.	10 10 0

My Lord Wintin	.	.	.	.	.	£10	10	0
My Ladie Wintin	.	.	.	.	.	10	0	0
Mary, Countis of Buchan,	at	.	.	.	.	0	5	0
A pictur done in wood, marked M, at	.	.	.	.	.	0	5	0
A Still Lif	at	.	.	.	.	0	10	0

## INVINTUR of the Picturs to be kept by my Ladie.

Old Earl William Marishall ualuid at	.	.	.	St <sup>r</sup>	£5	5	0
Earl Georg Marishall	at	.	.	.	3	3	0
Ladie Mary Hay, Countis Marishall,	.	.	.	.	3	3	0
Late Earl William Marishall	.	.	.	.	10	10	0
The late Earl William in a Roman dress	.	.	.	.	4	4	0
James, Duck of Pearth,	at	.	.	.	10	10	0
Duchis of Pearth	at	.	.	.	5	5	0
King Charels the First	at	.	.	.	3	3	0
My Lord Wigtoun	at	.	.	.	5	5	0
The last Earl of Kinull	at	.	.	.	2	2	0
King Charels the Second, gevin by himself to the family	.	.	.	.	5	5	0
My Ladie Kinull	.	.	.	.	1	10	0
My Ladie Kinull's sone Allexander at	.	.	.	.	1	10	0
A pictur done in wood, W.K. 1595	.	.	.	.	1	1	0

9. INVENTORY of Keith and other pictures in the HOUSE of FETTERESSO, belonging to MARY, COUNTESS OF MARISCHAL, 25th October 1722.<sup>1</sup>

Inventar of Pictures in the House of Fetteressoe, 25 October 1722.

In the Draweing Roome:—

Earl George Marischall and his Lady, on the east end.

2 Earles of Dumfermling, the father and son Alexander, at their left.

Earl of Midletone, on the east end.

My Lord and Lady Binnie, on the corner next the window.

My Lady Kinnoull, above the door.

Countess of Pembroke, on the east syde of the window.

George, Marquiss of Huntly, below her.

King Charles the Second and Queen Katherin, on the east side of the window  
lookeing to the garden.<sup>1</sup> Original in Elphinstone charter-chest.

James, Lord Buchan, below George, Earl Marishall.

The great Earl of Mortoun in robes, by the door.

The Earl of Mortoun, his grandson, under my Lady Marishall.

My Lady Arskine, under the Earl of Dumfermling, Alexander.

The Countess of Kinnoull and her son Mr. Charles Hay, under my Lord and Lady Binnie.

King Charles the Second's picture given by himself to the Countess of Kinnoull when he was at Perth, and done at Brussels, on the Chimny.

William, late Earl Marischall, under King Charles the Second.

Regent Mar, on the King's left.

My Lady Mar, on the right.

Lady Mary Keith, Countess of Wigtoun, on her father's left.

Earl of Wigtoun, on his right.

Duke James Hamiltoun and his Dutchess, on Mar's left.

Earl William Marishall and Lady Anu Dowglass, Countess of Marishall, on the Countess of Mar's left.

King Charles the First, on the Earl Marischall's right.

Dutchess of Ritchmond, under Earl Marischall.

Earl of Kinnoull, under King Charles the First.

The Earl and Countess of Wintone, on King Charles the First's right.

James, Duke of Perth, when he was Chancellor, and his Dutchess, on Duke Hamilton's left.

Ane other picture of King Charles the Second, while at Brussels, above the window.

A picture of Leopold Emperor, and ane other litle picture, under the Duke and Dutchess of Hamiltone.

In the Dyuer Room :—

Mr. Robert Arskine, sone of the Earl of Mar.

William, Lord Keith, afterward Earl Marishall, in a Roman Dress.

In the King's Roome :—

John, Duke of Rothes.

Lady Jean Keith, my Lady Bamfe.

Lady Isobell Keith, Lady Turner.

Qween of Sweden.

My Lady Keithness.

My Lord and Lady Kinghorne at the foot of the roome.

The Czar of Moscovie.

Sir George M'Kenzie.

Marquiss of Argyle.  
 King James the Second.  
 Cardinal Ritchlew.  
 With ten other pictures.  
 The summ of the hail pictures is sixty one peices.

MARY MARISCHALL.

Indorsed : Inventar of Pictures in Fetteressoe, 25 October 1722.

10. INVENTORY of the Furniture in the HOUSE OF FETTERESSO, belonging to MARY,  
 COUNTESS OF MARISCHAL, 25th October 1722.<sup>1</sup>

Inventar of the House of Fetteressoe, 25 October 1722.

In the laigh roome :—

A canvess bottomed bed without hangers, with roofe, tesster, and irone rodes.  
 A canopy bed, canvess bottome and tesster, without hangers.  
 A big oval table wanting a peice of the leiffe.  
 Twenty-five rush chairs, whereof fifeteen high-backed, two of them armed, but one  
 wants ane arme.  
 Two closs boxes, one of them broke.  
 Ane old copper couler.  
 Two frames of old rush chairs.  
 Ane old broken stand.  
 Four pillars or tressts of ane old black table.  
 Two picture frames.  
 A skallie table, with tressts and four sconces.

In Mrs. Leiths roome :—

A big oak press.  
 The frame of ane old bed.  
 A box bed.  
 A chisst of drawers.  
 A wire press.  
 A square stand or litle table.

In the green striped roome :—

A bedsteed with tesster and roofe.

In the closet off the said roome :—

A timber bottome of a big bed with a cloath roofe.

<sup>1</sup> Original in Elphinstone charter-chest.

In the painted roome :—

The frame of a bed, with canvis bottome torne, with rooffe and tesster.

A square table with a drawer broke in the tressts.

Three old stands.

A closs box wanting a pan.

In the roome above the white roome :—

A big press locked up.

Stoups of ane old bed wanting the bottome.

A closs box wanting a pan.

One stand.

In the white roome :—

A bed steed.

A chamber box wanting the pan.

A square table with a drawer.

In the roome above Mrs. Leith's roome :—

The syde of ane old ovall table with tressts conforme.

In the next roome :—

A box bed.

In the gairden mains :—

Two old timber beds.

A naprie press.

A pair of cart wheels ringed.

In the kitchen :—

Ane old workeing boord.

Ane amrie.

The foot of ane old box bed.

In the baik house :—

A baiking trough and table.

Ane old warpeing fatt and staiks.

In the brew house :—

The wort stone and spoutt.

In the pantrie :—

Two gantrees, a bread chist, a naprie basket, a litle botle haik, a coge for  
halding water to wash glasses.

In the Laidner :—

Twenty dozens chappen botles, a table, and two formes, a gantrees, a botle case, a  
bathing tub.

In the milk house :—

Five tubs bigg and lesser, eight coges, two kitts, two pynt coges, a crame bowie,  
a kirne with staff and head, two chessers, two milk buckets, a cheese press  
two ale barrells, three ankers, a two gallone tree, a candle bowie, a gantrees,  
two old doors lyeing on the gantrees, ane old furme.

In the latter meat roome :—

Eight fedder beds.  
Five bolsters,  
Two large quilts, one busten, ane other tuidlen.  
Two litle busten quilts.  
One litle pillow.

In my Lady's roome :—

A mounted bed of blew and reid stuff, consisisting of four curtains fully paned,  
coverlet, canvess bottomed, two peice of hanger about the roome, six wain-  
scott chairs, and a stool covered with the stuff.

In the draweing roome :—

Three peices striped manky hangings, one window pane, a dozen ken chairs, ane  
ovall wainscott table, a blaik japane table, a tea table.

In the dyneing roome :—

Five peices arras hangers, a carpet chair, a pair long stentrees.

Things belonging to the gairden :—

A rolling stone with irone drawer wanting some of the irone, two pairs hedge  
shears, two syths, three wading irones, ane hew, ane litle hammer, a stand-  
ing lader, two wheels of barrows.

In the woman house :—

Two timber bedsteeds wanting the heads, two timber bulks with two broads, a  
pair of litter trees, a barrell for weighing meall.

In the loft above the woman house, ane old Fowelsheugh tow.

In the stable :—

Two haiks and two mangers.

In the byer, two stalls.

In the corne-barne, a firLOT, pock, and a roll.

MARY MARISCHALL.

Indorsed : Inventar of the house of Fetteressoe. 25 October 1722.

11. LIST OF BOOKS at the HOUSE OF FETTERESSO, c. 1722.<sup>1</sup>

In a box of books, etc., as follows :—

Ane Italian description of Scotland.  
The Life of Queen Ann in two volumes.  
Buchannan's History of Scotland in 2 Vol :  
A Bible.  
Quincy's Dispensatory.  
The Present State of Brittain.  
The Life of the King of Sweden.  
Consolation of Philosophy.  
A French Dictionary.  
Discourses on the Defectives of Human Virtues.  
Two Introductions by St. Francis Sales.  
Two Bookes of Austin's Devotions.  
A Psalm Book.  
A Dictionary of French Proverbs.  
Turnay Catechism.  
The Pastoral Instructions.  
The Christian Diurnal.  
The Catholik Scripturist.  
The General Possts of France.  
Granada's Memorial of a Christian Life.  
Etchard's Gazateer.  
The office of the Holy Week.  
The Principles of a Holy and Happy Life.  
A Dictionary of all the usual words of the English Tongue.  
Sixteen Toms of Gother's workes.  
The Doway Catechisme.  
Think well on 't.  
Tho Followeing of Christ, in English.  
The same, in French.  
Two large English Manuals of Prayers.  
A Benedictin manual.  
Fifty reasons or motives.  
Pax Vobis.

<sup>1</sup> List, incomplete, in Elphinstone charter-chest.

Manual of Divine Consideration.  
Ward's History of the Reformation.  
Spiritual Retreat for every Day in the Year.  
Memorials of 1687.  
Ovid's Epistles.  
Poems on Several Occasions.  
A French Office.  
The Family Dictionary.  
Lamb's Book of Cookery.  
Four Volumes of the Tatler.  
Two play Books.  
Swift's Miscellany.  
Buses de Paris.  
Fundamental Maxims of Civil Government.  
An English Office.  
Pamphlets.  
The Knight.  
The Committee.  
Preparation for Death.  
The Character of the Rump Parliament.  
The Second and Last Advice to the Freeholder.  
A Compleat History of the Septennial Parliament.  
A Letter to the Freeholders.  
The Conspirators.  
A Compleat Collection of the Protests of the Lords this last Session of Parliament.  
Four receipt bookes.  
An Italian Grammar.  
Three Bookes bought at London.  
A Collection of Letters.  
Six French Books.  
Three Bookes directed for Mr. Innes.

REPORT ON THE ELPHINSTONE MUNIMENTS MADE IN THE YEAR 1884 TO  
THE ROYAL COMMISSIONERS ON HISTORICAL MANUSCRIPTS.

William, fifteenth Lord Elphinstone, on his succession to the peerage, succeeded also to a large and valuable collection of family charters and correspondence. After the Royal Commission on Historical MSS. was instituted in the year 1869, his Lordship generously authorised the Inspector for Scotland under the Commissioners to make a full and exhaustive report of his collection, including the large portions of it referring to India. This Report, based on a complete and exhaustive examination of his Lordship's muniments, is of a comprehensive nature, and is contained in the Appendix to the Ninth Report of the Historical Manuscripts Commission, Part II., pp. 182-229, which was issued in the year 1884.

The first division of the Report deals with the older charters of the Elphinstone Family, those relating to the old estate of Airth, and a number of miscellaneous charters and other documents. These charters, dating from 1329 onwards have been mostly printed at length in the Elphinstone Book, or fully referred to in the memoirs of the earlier members of the family, except some documents referring to the Abbey of Scone, which it has been judged unnecessary to repeat, not being directly connected with the Elphinstone Family. This first division also comprises a series of Royal letters relating to the more prominent historical members of the family, especially Alexander, fourth Lord Elphinstone, Lord Treasurer of Scotland, and James, first Lord Balmerino. These letters, being of great historical interest, are nearly all printed in the second volume of this work, and considerable additions increase the value and completeness of this section. There is likewise a section of Miscellaneous letters from 1600 to 1743, many of which are reprinted in the Elphinstone Book, with large additions including especially the correspondence of James, first Lord Balmerino, Secretary of

State for Scotland, and also that of Robert Lord Cccyll, afterwards Earl of Salisbury, Secretary of State for England.

The second division of the Report comprises the correspondence and papers relating to those members of the Elphinstone Family who have played such a prominent part in the administration of our great Indian Empire, and who have established such an honourable and lasting association between the name of Elphinstone and India. As may readily be imagined, this division is the most voluminous, and embraces an enormous selection of miscellaneous papers and correspondence, of great interest, alike from a biographical and historical standpoint. So extensive is this collection, however, that it could only be dealt with in a very general manner, and selections made, more as indicative of what exists in the Elphinstone charter-chests, than with the idea of dealing in an exhaustive or detailed manner with so vast a mass.

The papers in this division fall naturally into three groups. The first section comprises the correspondence of the great-grandfather of the present Lord Elphinstone, the Honourable William Fullerton Elphinstone of Carberry, for many years a prominent director and chairman of the Hon. East India Company. This venerable nonogenarian, who reached the age of ninety-four, was in the service of the East India Company for a period of nearly seventy years, and his correspondence during that time was enormous.

Among his correspondents were many of the leading Indian statesmen of the day, including Francis, Earl of Moira, and Warren Hastings, two of the most noted Governors-General of that country. He also received letters from several of the foremost politicians of the time in this country, including Mr. Canning, foreign secretary and afterwards Chancellor of the Exchequer, and Sir William Knighton, private secretary of King George the Fourth. His Royal correspondents included George, Prince of Wales, afterwards King George the Fourth; Prince Edward, Duke of Kent and Strathearn; and other members of the Royal family. The more important of these letters,

especially those lending themselves rather to biographical than historical treatment, have been included in the memoir of the Hon. William Fullerton Elphinstone in the second volume of this work. William Elphinstone was for many years the trusted friend and confidant of Francis, Earl of Moira, afterwards Marquis of Hastings, who was appointed Governor-General of India in 1813, and an extensive correspondence passed between them on matters of prime importance on the administration of India at the time. These letters, a selection from which is given in the Report, are of great historical interest, and refer among other matters to the war with Nepaul; the government of Oude; the treaty with Nagpore; Scindia and the Pindarees; the Mahratta War; the proposed reduction of the Company's army in India, and the prosperous state of the finances of the Company. As many of these letters are of a partly confidential nature, and in the main refer to matters of purely Eastern interest, it has not been deemed advisable to refer to them in any detail in the Elphinstone Book; but his correspondence with his nephews, notable in the administration of Indian affairs, viz.: Mountstuart Elphinstone, Governor of Bombay; his brother James Ruthven Elphinstone; and the Hon. John Adam, Governor-General of India, has been fully referred to in his memoir.

The second section of this division of the Report includes the papers and correspondence of the Honourable Mountstuart Elphinstone, D.C.L., Governor of Bombay, who after many years of careful and laborious research, completed his well-known "History of India." This collection, which embraces his detailed and lengthy journals and reports and his voluminous correspondence and official documents, forms a remarkable tribute to the untiring labours and devotion of this member of the Elphinstone family for the good of the country where he spent the best part of his long life. Much labour was involved in the examination and arrangement of the extensive correspondence of this statesman, as it had to be done without the aid of a catalogue, but it was all examined and selections from some

of the more interesting letters are given in the Report. This correspondence is of especial value and interest, as it embraces the period of the Mahratta War, and shows the active and vigorous measures taken by Mr. Elphinstone to meet this emergency, and also his wise and careful manner of dealing with the native chiefs and others; while his letters to and from the various resident governors throughout the country, afford valuable information and insight into the difficulties of Indian administration at the time, and contain interesting descriptions of the inner life at the native courts. As a life of Mountstuart Elphinstone in two volumes with detailed extracts from his journals and correspondence has been written by Sir Edward Colebrooke and published in 1884, it was considered unnecessary to give a full memoir of him in the Elphinstone Book, but a concise epitome of the chief events of his remarkable career has been given, with a few of the more interesting letters which appear to have been overlooked by Sir Edward, including one from the Duke of Wellington congratulating Mr. Elphinstone on the occasion of his receiving the degree of D.C.L. from the University of Oxford in 1834. This letter has been specially lithographed for the Elphinstone Book.

The third section of this division of the Report deals with the papers of John, thirteenth Lord Elphinstone, Governor successively of the important presidencies of Madras and Bombay. He held the position of Governor of Madras from 1837 to 1842, and of Bombay during the years 1853 to 1860, including the period of the memorable mutiny. As the official and private correspondence of this statesman is so voluminous and of such historical interest, no attempt at selection of any individual papers has been made; but the whole have been classified and arranged chronologically and in sections, to indicate the value of this collection and to render these papers readily available either for biographical or historical purposes.

The third and last division of this Report on the varied and interesting muniments of Lord Elphinstone consists of the papers and correspondence of George, tenth and last Earl Marischal, and his brother, the Honourable

James Keith, Field Marshal Keith, in the service of King Frederick the Great of Prussia. These papers came into the possession of the Elphinstone family through the marriage of Charles, tenth Lord Elphinstone, with the Lady Clementina Fleming, niece and heiress of George, last Earl Marischal. The majority of these papers, including the most important of them, have been printed or noted in full in the Report; and a few of the letters of the two brothers, which have since been discovered in the correspondence of the Lady Clementina Fleming, have been referred to at length in her Memoir in the first volume of the Elphinstone Book. Both brothers were engaged in the Jacobite rising of 1715, and afterwards went to the Continent, residing from time to time at various foreign Courts. The Earl was attainted and his estates forfeited, but his brother does not seem to have been included in the act of attainder. This interesting correspondence includes several letters from King James the Eighth to Mr. Keith, then holding the rank of Colonel. James Keith afterwards entered the Russian military service, where he greatly distinguished himself, and fought as General under Marshal de Lacy in Poland. He afterwards commanded in the war in Finland against the Swedes. Among his Russian letters are two from the pen of Prince Peter, afterwards Peter the Third of Russia. He then entered the service of Frederick the Great of Prussia, by whom he was greatly trusted and respected, and who raised him to the rank of Field Marshal. A number of the Emperor's letters are included in this correspondence. Field Marshal Keith met his death at the battle of Hochkirchen, in October 1758.

The papers in this division of the Report, which are of exceptional interest and value, were the property of George Keith, tenth and last Earl Marischal of Scotland; and were bequeathed by him to Captain the Honourable John Elphinstone, afterwards eleventh Lord Elphinstone, from whom they have descended to the present Lord Elphinstone. They have been classified in the report under five heads, and as there is not space for the

inclusion of any of them in the Elphinstone Book, it may be well to refer to them here in some short detail.

The first section, which comprises commissions granted to the Honourable James Keith, and other papers of a similar nature, embraces the period between 1717 and 1750. It includes three commissions to Mr. Keith from King James the Eighth, and two from Frederick the Great of Prussia. The most interesting paper in this section, however, is a commission from Prince Charles Edward, therein designed Charles, Prince of Wales, Regent of the Kingdoms of Scotland, England, France, and Ireland, and the dominions thereunto belonging. The commission, which is to George Anderson, Esquire, to be a Captain of Foot, is dated at the Palace of Holyrood, 15th October 1745.

The second section is occupied by letters from Sovereigns and other Royal personages, chiefly addressed to the Honourable James Keith, and a few to George, Earl Marischal, his brother. It includes six letters from the Chevalier St. George, styling himself King James the Eighth, four to Field Marshal Keith, three of which are holograph of the King, and two to the Earl Marischal. Following these are two letters to General Keith from Anton Ulrich, husband of the Princess Anne of Russia, and two from Prince Peter, afterwards Peter the Third of Russia. This section also includes five letters from Frederick the Great, King of Prussia, to Field Marshal Keith, and one from James Sobieski, Prince of Poland, with notes of a few other letters.

The third section is occupied by Jacobite correspondence and other papers, 1725-1756. The first part of this section comprises notes and abstracts of a series of letters from 1725 to 1728, which, from one letter bearing a signature and political allusions in the others, appear to proceed from the pen of Francis Atterbury, Bishop of Rochester. These are followed by letters from James Edgar, Secretary to the Chevalier St. George, and three letters from Lord George Murray to Field Marshal Keith. In the first

letter, dated at Emmerich, 28th May 1749, Lord George says:—"I have taken a litle house at Emrick, which is closs upon the Rhyne, and has a charming vew upon the river." In the second, dated Emmerich, 27th September 1755:—"I observe what you are pleased to say in the event of a war becoming general. We have a proverb that burnt bairns fire dreeds; I have been thrise at barns breaking, so I have your Excellency at one more." The third is dated Emmerich, March 10, 1756. In this letter he observes:—"I remember once in your presence to have told your brother, that if he had lett me understand the Carte de Pais eleven years ago, which I was quite ignorant off, it would have prevented my ruin, and perhaps that of several others. . . . When I left Rome in May 1747, after as short a stay as I could desently make there, I thought I could do no less (after the reports I had heard) than to show my countinence at Paris, in the neighbourhood of which place I knew a certain person then was. If I did not see him, it was non of my fault. I had no intention to be long troublesome, for I had sent my bagage from Vinice to Cologne, as I thought it much more eligible to live in a country where I had no acquaintances, the language of which I knew not a sillab, as in a country that had made the cat's foot of us." Following these three letters is another by Macpherson of Cluny to Field Marshal Keith, dated Calais, 4th May 1756; and this is followed by a Paper of Advice to King James the Eighth (the Chevalier St. George), as to effecting a landing in Scotland.

The fourth section is occupied by letters between George Earl Marischal and Field Marshal Keith, his brother. These form an interesting series, with many details of the personal history of the two brothers, of the Court of the Pretender at Rome, and of the entering of the Prussian service by General Keith, after he had left the Russian. The series begins in the year 1730, and ends with a letter in French, "De Hochkirch pres de Loebau, ce 12 8<sup>bre</sup>, 1758," the day before the battle of Hochkirchen, in which Field Marshal Keith was slain.

The fifth section is occupied by Miscellaneous Papers, relating chiefly to foreign, diplomatic, and commercial affairs, 1733-1757. These comprise letters referring to the advance of the Russian forces into Poland in 1733, to the campaign in the Ukraine in 1736, to the war between Russia and Sweden, and the conclusion of a treaty 1741-1744; and letters bearing on General Keith's farewell to the Russian service in 1747: also papers relating to commerce, and the encouragement given to Scotch merchants by the King of Prussia; with some miscellaneous letters, including two letters by General James Oglethorpe.

The Keith Marischal section of letters, though of much interest, could not be reprinted in the Elphinstone Family Book from want of space.

COLLECTED SEALS AND SIGNATURES OF THE  
LORDS ELPHINSTONE, ETC.



No. 1.



No. 2.



No. 5.

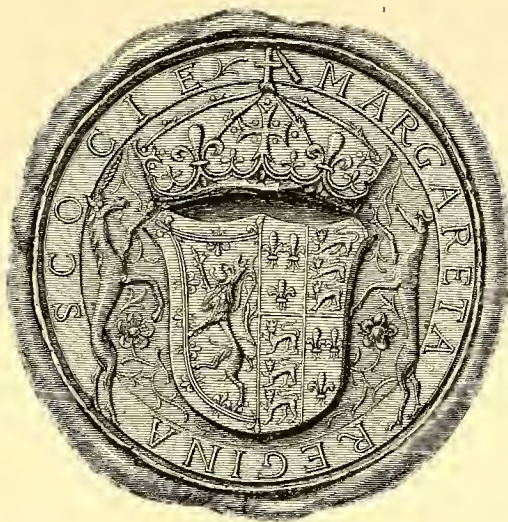


No. 3.



No. 4.

1. John de Elfiestoun [Ragman Roll], 1292.
2. John Elphinstone of Pittendreich, 1497.
3. Robert, third Lord Elphinstone, 1577.
4. Alexander, fourth Lord Elphinstone, 1602.
5. Alexander, fifth Lord Elphinstone [signet seal], 1631.



No. 6.



No. 7.



No. 8.

6. Queen Margaret Tudor, 1527.

7. Queen Margaret Tudor, 1536.

8. Archibald, sixth Earl of Angus, her second husband, 1514-1536.

## SIGNATURES OF THE LORDS ELPHINSTONE, ETC.

A highly stylized, cursive handwritten signature in black ink. The letters are interconnected, with a large initial 'A' and a long, sweeping tail that extends to the right.

No. 1.

A cursive handwritten signature in black ink. The word 'Robert' is written in a slightly larger, more formal hand than 'Lord Elphinstone', which follows in a similar cursive style.

No. 2.

A cursive handwritten signature in black ink. The words 'margaret lady elphinstone' are written in a fluid, connected script.

No. 3.

A cursive handwritten signature in black ink. The signature is written in two lines: 'Mr John Elphinstone' on the top line and 'parson of Invernochty' on the bottom line.

No. 4.

A cursive handwritten signature in black ink. The signature is written in two lines: 'Alexander Elphinstone' on the top line and 'Master of Elphinstone' on the bottom line, which is underlined.

No. 5.

1. Alexander, second Lord Elphinstone, 1528.
2. Robert, third Lord Elphinstone, 1577.
3. Margaret Drummond, Lady Elphinstone, his wife, 1575.
4. John Elphinstone, parson of Invernochty, brother of Robert, third Lord Elphinstone.
5. Alexander, Master of Elphinstone, afterwards fourth Lord Elphinstone.

ALEX Elphinstone

No. 6.

Jane, Lady Elphinstone

No. 7.

Annas Sutherland

No. 8.

Elphinstone Elizabeth Drummond

No. 9.

No. 10.

Elphinstone

No. 11.

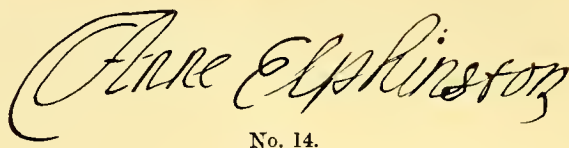
James Elphinstone

No. 12.

6. Alexander, Master of Elphinstone, afterwards fourth Lord, 1575.
7. Jane Livingstone, Lady Elphinstone, his wife, 1618.
8. Annas Elphinstone, Countess of Sutherland, their daughter, c. 1612.
9. Alexander, fifth Lord Elphinstone, 1645.
10. Elizabeth Drummond, Lady Elphinstone, his wife, 1645.
11. Alexander, sixth Lord Elphinstone, 1653.
12. Lillias Elphinstone, Lady Elphinstone, his wife, 1645.



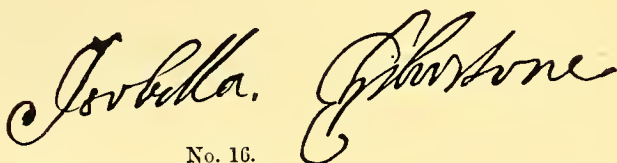
No. 13.



No. 14.



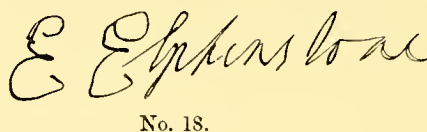
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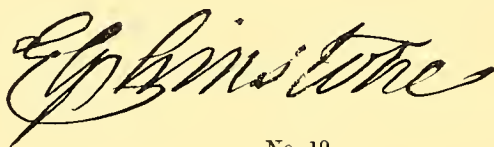
No. 16.



No. 17.



No. 18.

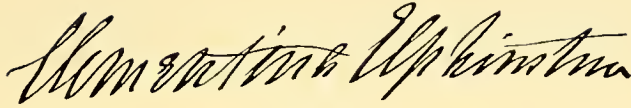


No. 19.



No. 20.

13. Alexander, seventh Lord Elphinstone, 1667.
14. Anne Burnet, Lady Elphinstone, his wife, 1672.
15. John, eighth Lord Elphinstone, 1680.
16. Isabel Maitland, Lady Elphinstone, his wife, 1695.
17. Charles, ninth Lord Elphinstone, 1734.
18. Elizabeth Primrose, Lady Elphinstone, his wife, 1735.
19. Charles, tenth Lord Elphinstone, 1777.
20. Lady Clementina Fleming, Lady Elphinstone, his wife, 1795.



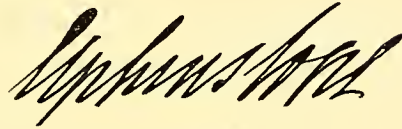
No. 21.



No. 22.



No. 23.



No. 24.



No. 25.



No. 26.

No. 27.

21. Clementina, daughter of tenth Lord Elphinstone, and afterwards Lady Perth, 1785.
22. George Keith Elphinstone, afterwards Viscount Keith, 1761.
23. George Keith Elphinstone, as Viscount Keith, 1797.
24. John, eleventh Lord Elphinstone, 1785.
25. The Hon. Mountstuart Elphinstone, as a boy.
26. The Honourable Mountstuart Elphinstone.
27. John, twelfth Lord Elphinstone, 1795.

Wm.<sup>th</sup> Elphinstone

No. 28.

Elphinstone.

No. 29.

Believe me  
Yours sincerely

Elphinstone

No. 32.

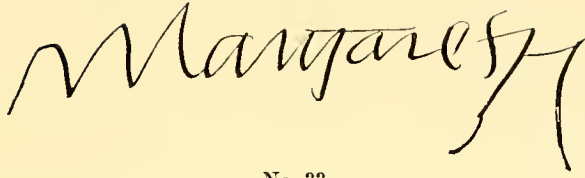
Elphinstone

No. 30.

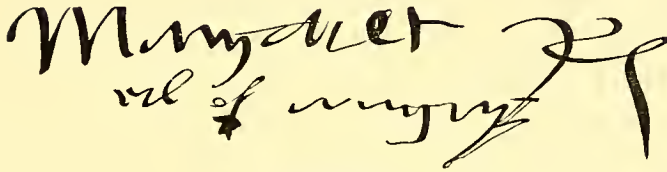
Constance Elphinstone

No. 31.

- 28. The Hon. William Fullerton Elphinstone of Carberry.
- 29. John, thirteenth Lord Elphinstone.
- 30. William Buller Fullerton, fifteenth Lord Elphinstone.
- 31. Lady Constance Murray, Lady Elphinstone, his wife.
- 32. Sidney Herbert, sixteenth and present Lord Elphinstone.



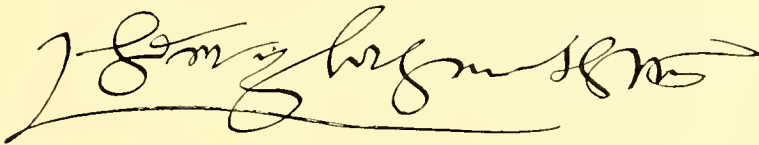
No. 33.



Nos. 34 and 35.

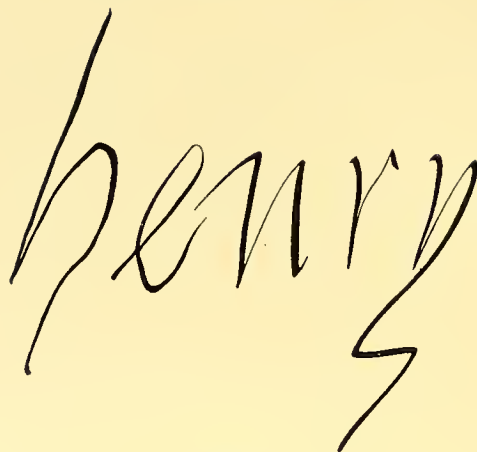


No. 36.



No. 37.

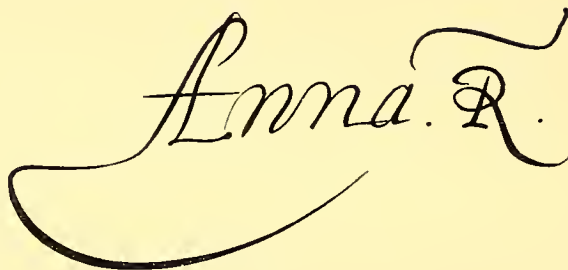
- 33. Queen Margaret Tudor, 1536.
- 34. Queen Margaret Tudor, 1518.
- 35. Archibald, sixth Earl of Angus, her second husband, 1518.
- 36. The same, 1518.
- 37. Henry, Lord Methven, her third husband, 1536.

A large, elegant handwritten signature in cursive script, reading "Henry". The letters are fluidly connected, with a long, sweeping tail on the final "y".

No. 38.

A handwritten signature in cursive script, reading "James". The letters are fluidly connected, with a long, sweeping tail on the final "s".

No. 39.

A handwritten signature in cursive script, reading "Anna". The letters are fluidly connected, with a long, sweeping tail on the final "a".

No. 40.

A handwritten signature in cursive script, reading "Edward". The letters are fluidly connected, with a long, sweeping tail on the final "d".

No. 41.

38. Henry the Second, King of France, 1552.

39. King James the Sixth, 1608.

40. Anna, Queen of King James the Sixth, 1608.

41. Prince Edward, Duke of Kent and Strathearn, 1817.

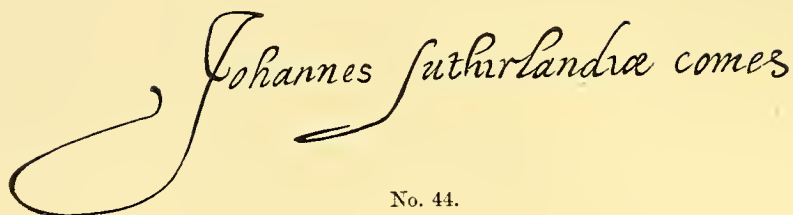
I remain, my dear Elphinstone,  
Yours most sincerely  
George.

No. 42.

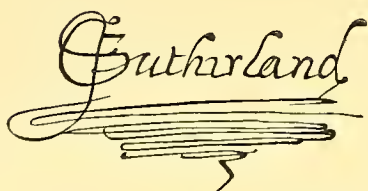
Balmerino

No. 43.

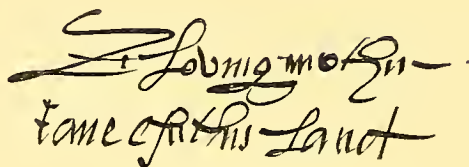
42. Prince George, Duke of Cambridge, 1856.  
43. James, first Lord Balmerino, 1695.



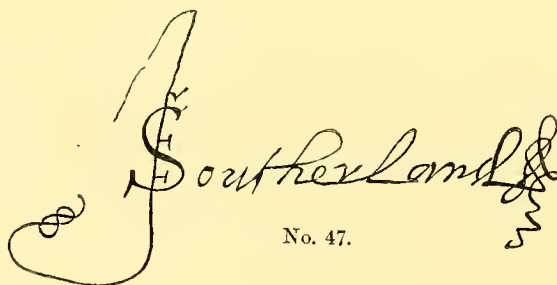
No. 44.



No. 45.



No. 46.



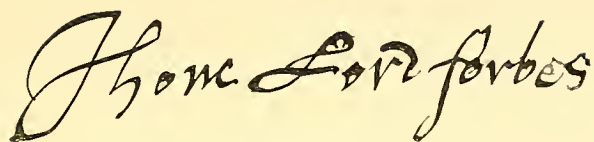
No. 47.

44. John, twelfth Earl of Sutherland, 1615.

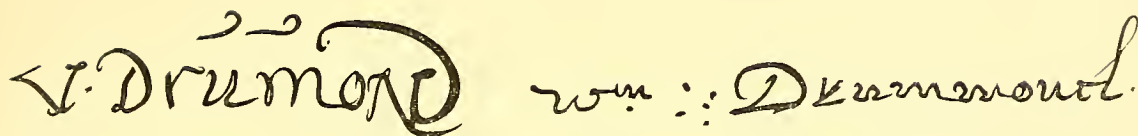
45. The same, 1615.

46. Lady Jane Gordon, Countess of Sutherland, 1616.

47. John, thirteenth Earl of Sutherland, 1644.



No. 48.



No. 49.

No. 50.

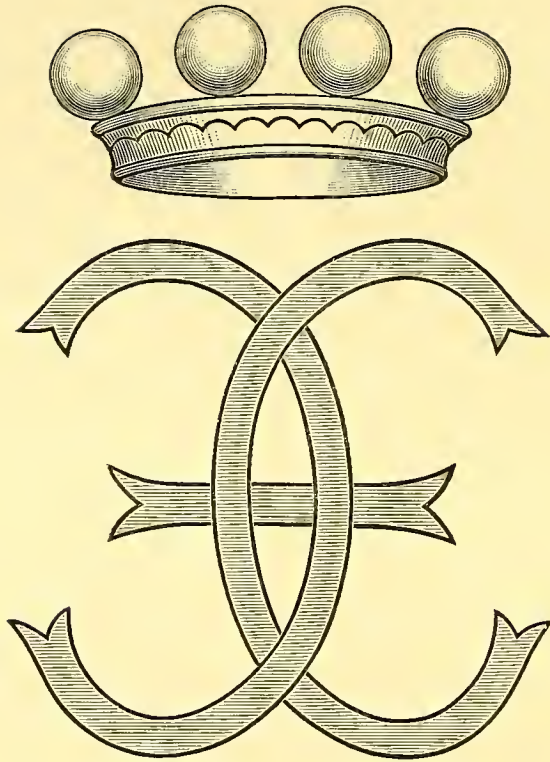


No. 51.

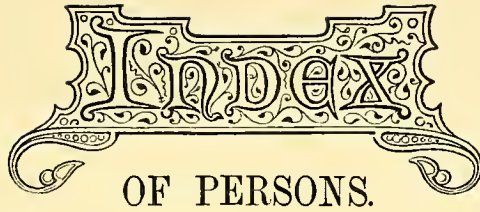


No. 52.

48. John, sixth Lord Forbes, 1515.  
 49. William Drummond of Hawthornden, the poet, 1610.  
 50. The same, 1639.  
 51. James Drummond, afterwards Lord Perth, 1785.  
 52. The Right Honourable George Canning, 1821.



Monogram of William, fifteenth Lord Elphinstone.



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PRINTED BY T. AND A. CONSTABLE, PRINTERS TO HER MAJESTY,  
AT THE EDINBURGH UNIVERSITY PRESS.











